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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

2018 APR 20 PM 3:53

David A. Dewar

Pro Se

**FILED**

APR 20 2018

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

vs.

Case No: 16CV2287

Officer T. J. Felmon

Officer Mike Devine

Supervisor C. J. Long

Chicago Police Department

CHECK ONE ONLY:

AMENDED COMPLAINT

XXX COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983, 1985 AND 1986

U.S. Code

\_\_\_ COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE 28 SECTION 1331

U.S. Code

\_\_\_ OTHER

**I. Plaintiff(s):**

- A. Name: David A. Dewar
- B. List all aliases: N/A
- C. Prisoner identification number: N/A
- D. Place of present confinement: N/A
- E. Address: 11347 S. Millard Ave., Chicago, IL 60655

**II. Defendant(s):**

- A. Defendant: Officer T. J. Felmon (Badge # 4121)  
Title: Chicago Police Officer  
Place of Employment: Chicago Police Department
- B. Defendant: Officer Mike Devine (Badge # 4080)  
Title: Chicago Police Officer  
Place of Employment: Chicago Police Department
- C. Defendant: Supervisor C.J. Long  
Title: Supervisor Police Officer  
Place: Chicago Police Department
- D. Defendant: Chicago Police Department

#### **IV. Statement of Claim**

**Claim #1:** During the Discovery process of my federal lawsuit, I had uncovered records that an expungement that was granted by a court order with the Village of Marionette Park Police Department; showed up on my Chicago Police Department criminal history report. My claim is against the Chicago Police Department getting access to my Marionette Park Police Department completely expunged records and placing them on my CPD criminal history report. This pattern of corruption and conspiracy against I, the plaintiff David A. Dewar's civil rights by the Chicago Police Department needs a higher level of outside accountability so they do not keep breaking the law. The Chicago Police Department conspired and violated my civil rights. (Documents supplied to support claim).

**Claim #2:** During the Discovery process of my federal lawsuit, I had uncovered records that I, the plaintiff David A. Dewar was denied his Conceal and Carry permit in the state of Illinois. The above expunged records (Claim #1) being put on my CPD criminal history report violated my civil rights to qualify for a Conceal and Carry permit in the state of Illinois. (Documents supplied to support claim).

**Claim #3:** During the Discovery process of my federal lawsuit, I had uncovered records that affected my Conceal and Carry permit denial. On February 17, 2014, the CPD arrest report had the incorrect RD number: HW (year 2013) 154717 for which I went to trial on March 25, 2014 on the wrong case which was not dismissed but went SOL (Stricken off with leave to reinstate 120-160 days). This SOL decision cause the arrest to show up on my CPD criminal history report which denied me my Conceal and Carry permit in the state of Illinois. This violated my civil rights to qualify for a Conceal and Carry permit in the state of Illinois. (Documents supplied to support claim).

**Claim #4:** During the Discovery process of my federal lawsuit, I had uncovered that the RD number HW (year 2013) 154717 and Event number 1304403568 on my arrest report where the wrong case incident report that was non-criminal not pertaining to my arrest. I uncovered the RD number HX (year 2014) 154717 was obtained immediately after my arrest and with Event number 1404811677 to complete the correct case incident report at the police station. (Refer to flow chart). My civil rights were violated by the Chicago Police Department and all parties involved in approving the wrong RD number HW (2013) 154717 and wrong Event number 1304403568 on the police arrest report. This includes the four defendants in this lawsuit, along with the Desk Sergeant, Watch Commander and Approving Supervisor Laura Blum. My civil rights were violated once again when several people in the chain of command could have caught and corrected this intentional fraud. (Documents supplied to support claim).



**Claim #5:** During the Discovery process of my federal lawsuit, I had uncovered that when I went to court on March 25, 2014, I went to trial on the wrong RD number: HW (year 2013) 154717 and Event number 1304403568. When the Assistant States Attorney Ms. JoAnna Panici and Mr. Lawrence Leibforth met in chambers to discuss the case neither one of them pointed out this was the wrong RD number. It had been 5 weeks since my arrest and nobody pointed out it was the wrong RD number. My civil rights were violated by the Chicago Police Department by going to trial on the wrong case incident report which was non-criminal and not having it dismissed immediately. The Assistant States Attorney and my attorney, Lawrence Leibforth had me go to trial on the wrong case incident report. My attorney Lawrence Leibforth misinformed me and my mother before, during and after trial and will be reported to the Attorney Registration and Disciplinary Commission. (Documents supplied to support claim).

**Claim #6:** During the Discovery process of my federal lawsuit I had uncovered the CB number 18838176 on my arrest report was not labeled with my name on the Evidence-Property Envelope but my brother's name, Daniel Dewar. The arrestee property log has my name, David Dewar with the CB number 18838176 and on the personal property receipt. My civil rights were violated for fraud and conspiracy by the officers completing this paperwork. (Documents supplied to support claim).

**Claim #7:** During the Discovery process of my federal lawsuit, I had uncovered records on my police arrest report under the Section Confiscated Properties the arresting officers did not log in and inventory my personal cell phone (an item of value) and did not E-Track my inventory (See flow chart) and my cell phone since there was no inventory number logged. The Chicago Police Department contest they gave me an empty Evidence-Property envelope with no inventory items in it of value. My civil rights were violated by the General Order of Procedure and Special Order of Procedure. The arresting officers violated my civil rights for fraud and conspiracy and broke CPD Rule #40. (Documents supplied to support claim).

**Claim #8:** During the Discovery process of my federal lawsuit, I had uncovered records and discovered my 911 Cell phone call on the date I was arrested, February 17, 2014 at 6:27 pm with my phone provider, T-Mobile was deleted on my cell phone records. The Chicago Police Department OEMC records show I made the call on February 17, 2014 at 6:27 pm. On February 6, 2018, had to make a 911 call with my T-Mobile phone provider and it showed up on my T-Mobile cell phone records. While I was locked up during my arrest the Chicago Police department did not inventory my cell phone with an inventory number and did not E-Track inventory of my personal cell phone. My cell phone was not put in a holding cabinet or safe since the Chicago Police Department did not inventory it. By the CPD having full access to my personal cell phone, my civil rights were violated by the Chicago Police Department and my records indicate there was tampering with my 911 T-Mobile call the day of my arrest. This is another pattern of my civil rights being violated by the Chicago Police Department. (Documents provided to support claim).



**Claim #9:** During the Discovery process of my federal lawsuit, I had uncovered records that the Chicago Police Department arrived at my Mother's house, Shirley Dewar on Sunday afternoon on April 19, 2015 with 8 police officers and 4 squad cars. They came on a Disturbance call to retrieve one basketball in my Mom's backyard and asked for me by name and waited 30 minutes for me. My Mom was a few weeks from her 77<sup>th</sup> birthday and was intimidated and scared by this overkill of police manpower on a Sunday afternoon. They had warm greetings with William Hosty, the Complainant in this case as they walked over the basketball to his son and grandson's house. The CPD Officers waited 30 minutes for me and intimidated and scared my Mom and small dog. This is yet another pattern of civil rights violations by the Chicago Police against I, the plaintiff, David A. Dewar with conspiracy and intimidation and fear by wasting taxpayer dollars. The Chicago Police Department and their officers also violated my Mom's civil rights, Shirley Dewar, a 77 year old single widow through intimidation and conspiracy against her and our entire family. (Documents supplied to support claim).

**Claim #10:** During the Discovery process of my federal lawsuit, I had uncovered records that show my brother, Daniel Dewar was on evidence on my arrest record. On the Evidence-Property Envelope, my brother's name Daniel Dewar reads with the CB # 18838176, which is in my name on the Arrestee Property Log and personal property receipt. This is yet another pattern of civil rights violations against my brother who is a retired Police Officer of 30 years in Westmont. This shows a pattern of civil rights violations by the Chicago Police Department against me personally, David Dewar, the Plaintiff and my family members. (Documents supplied to support claim).

### **SUMMARY**

In summary of these 10 claims of civil rights violations against I, David A. Dewar, the plaintiff and my family members show a pattern by the Chicago Police Department of Intimidation, Corruption, Conspiracy together to violate multiple civil rights of the plaintiff. Filed Docket entry #40 in this case 16CV2287 was filed on January 24, 2017 by the plaintiff. The extensive 161 page report on the investigation of the Chicago Police Department by the United States Department of Justice Civil Rights Division and United States Attorney's Office Northern District of Illinois reads as a blueprint to the corruption, conspiracy and violated civil rights to me personally, the plaintiff David A. Dewar, as they framed me and my family members in my case # 16CV2287. The question now becomes how many other cases has the CPD abused their authority and power and violated multiple victims in multiple cases through conspiracy, corruption, fraud, intimidation, etc. by violating their civil rights

NOTE: The Police Board City of Chicago (Rules of Conduct) were broken multiple times in my case # 16CV2287. Rule #14: Making a false report, written or oral was broken multiple times by multiple

people. Rule #40: Failure to inventory and process recovered property in conformance with Department orders no inventory number for plaintiff's personal cell phone on the arrest report under Confiscated Properties and no E-track inventory number. Rule #41 was also violated. With self-regulation from within the Chicago Police Department with IPRA being replaced by COPRA, there is no true outside accountability to enforce any violation of civil rights against Chicago Police Department victims. The Chicago Police Department in my case # 16CV2287 cannot prove they have "clean hands" in my case for violating my 10 claims of civil rights violations. In closing, I am adding in a 11<sup>th</sup> claim of the CPD violating my civil rights.

**CLAIM #11:** Under Title 18, U.S.C. Section 242 Deprivation of rights under Color of Law, the Chicago Police Department has clearly shown a pattern of Corruption and Conduct that deprives me of my Civil Constitutional rights. (All previous documents supplied support that claim). Under Deposition, the complainant William Hosty at 114<sup>th</sup> & Millard in Chicago, Mt. Greenwood neighborhood, under oath with representation from Assistant Corporation counsel, Kelly Bauer refused to answer key questions. William Hosty was asked what he did for a living before retirement and Ms. Bauer objected. Why? William Hosty was asked how old he was and Ms. Bauer objected again. Why? William Hosty was under oath and he still was instructed not to answer questions he swore to answer under oath. I request that he does answer those questions. This pattern of corruption extends past the Chicago Police Department into the City of Chicago Department of Law Federal Civil Rights Litigation Division through the Corporation Counsel. I the plaintiff, David Dewar when deposed as well as my Mother, Shirley Dewar and brother, Daniel Dewar had to answer all questions under oath but William Hosty does not? (Additional documents supplied to support claims of Corporation Counsel Corruption.

NOTE: Flow chart of Chicago Police Department Offender Arrest to Release Procedural Steps clearly shows how the Chicago Police Department violated my civil rights in my case.

**V. Relief:**

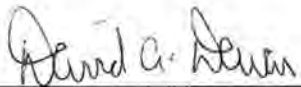
What I want the court to do is thoroughly look over the documents supplied to support my 11 claims of civil rights violations and allow my complaint to be amended fully on my case # 16CV2287.

**VI. The plaintiff demands that the case be tried by a jury. YES**

**CERTIFICATION**

By signing this complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 20<sup>th</sup> day of April, 2018

A handwritten signature in cursive script, appearing to read "David A. Dewar", is written over a horizontal line.

Signature of Plaintiff

David A. Dewar

Pro Se

11347 S. Millard Ave.

Chicago, IL 60655



C1-1



**VILLAGE OF MERRIONETTE PARK  
POLICE DEPARTMENT**

11750 South Kedzie Avenue  
Merrionette Park, Illinois 60803  
708-396-3170  
FAX 708-385-5014

(C1) CLAIM # 1 - 19 Pages

November 17, 2005

David A. Dewar  
11347 S. Millard  
Chicago, Illinois 60655

RE: 02500218201

The Merrionette Park Police Department has expunged the records of the above referenced subject pursuant to the authority granted by the Order of the Court dated November 7, 2005. All documents pertaining to these orders have been destroyed. All orders to expunge or seal are governed by Illinois Compiled Statutes, 20ILCS2630/5.

Respectfully,

A handwritten signature in cursive script, appearing to read "Robert F. Stevens".

Robert F. Stevens  
Chief of Police

C1-2



**VILLAGE OF MERRIONETTE PARK  
POLICE DEPARTMENT**

11750 South Kedzie Avenue  
Merrionette Park, Illinois 60803

David A. Dewar  
11347 S. Millard  
Chicago, Illinois 60655

01-3



**CHICAGO POLICE DEPARTMENT**  
3510 South Michigan Avenue/Chicago, Illinois  
60653  
Identification Section



**CRIMINAL HISTORY REPORT**

CPD-31903C (REV. 7/04)

**DEWAR, ANDREW D**

IR # 1475483

SID #

FBI #

IDOC #

Current Arrest Information:

DATE: JUN 13 2014

SIGNATURE: [Signature]

Date of Birth: 20-OCT-1964

Age: 49 years

Place of Birth: ILLINOIS

SSN #:

Drivers License #:

Drivers Lic. State:

Scars, Marks & Tattoos:

Key Historical Identifiers:

Alias or AKA used	Date Used	Dates of Birth Used	Social Security Numbers Used
DEWAR, DAVID	17-FEB-2014	20-OCT-1964	Not Available
DEWAR, ANDREW D	15-FEB-2002	20-OCT-1964	Not Available

Criminal Justice Summary: Total arrests: 2 (1 Felony, 1 Misdemeanor)

Total convictions: 0

**ARREST**

Arrest Name: DEWAR, DAVID

Date of Birth: 20-OCT-1964

DCN or CB: 018838176

Officer: FELMON

Arrest Date: 17-FEB-2014 Holding Facility: CPD - DISTRICT 022

Arrest Address: 11343 S MILLARD AVE CHICAGO, IL 60655

Residence: 11347 S MILLARD AVE CHICAGO, IL 60655

Officer Badge#: 4121 Arresting Agency: CPD

Count Class Type Statute

[1] C M 720 ILCS 5.0/12-1-A

Arrest Charge Description

Assault - Simple

Inchoate

OFFENSE AS CITED

**COURT CHARGES/DISPOSITION**

Statute

720-5/12-1-A

Charge

ASSAULT - SIMPLE

Class Case#

M 14119470901

Disposition: STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE

Disposition Date: 25-MAR-2014

Sentence:

Sentence Date:

**ARREST**



C1-4

Arrest Name: DEWAR, ANDREW D Arrest Date: 15-FEB-2002 Holding Facility: MERRIONETTE PARK  
Date of Birth: 20-OCT-1964 Arrest Address: 9506 S CALIFORNIA EVERGREEN, IL 60655  
DCN or CB: 015036353 Residence: 11347 S MILLARD AV CHICAGO, IL 60655  
Officer: COLLINS Officer Badge#: 103 Arresting Agency: MERRIONETTE PARK

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	A	M	625 ILCS 5.0/11-503-A	Ivc - Reckless Driving	OFFENSE AS CITED
[1]	4	F	720 ILCS 5/8-1	Solicitation - Ivc - Agg Fleeing/Police/21 Mph	SOLICITATION

\*\*\*End of Report\*\*\*

This Chicago Police Department IR rap-sheet should not replace the use of the Illinois State Police statewide criminal history transcript, which may contain additional criminal history data and can be obtained by performing a CQR1 inquiry via your LEADS terminal.

06-JUN-2014 07:49

Requested by: PC0Q467



**CHICAGO POLICE DEPARTMENT**  
3510 South Michigan Avenue/Chicago, Illinois 60653  
Identification Section



**CRIMINAL HISTORY REPORT**

CPD-31903C (REV. 7/04)

**DEWAR, ANDREW D**

IR # 1475483

SID #

FBI #

IDOC #

Current Arrest Information:

Date of Birth: 20-OCT-1964

Age: 49 years

Place of Birth: ILLINOIS

SSN #:

Drivers License #:

Drivers Lic. State:

Scars, Marks & Tattoos:

Key Historical Identifiers:

Alias or AKA used	Date Used	Dates of Birth Used	Social Security Numbers Used
DEWAR, DAVID	17-FEB-2014	20-OCT-1964	Not Available
DEWAR, ANDREW D	15-FEB-2002	20-OCT-1964	Not Available

Criminal Justice Summary: Total arrests: 2 (1 Felony, 1 Misdemeanor)

Total convictions: 0

**ARREST**

Arrest Name: DEWAR, DAVID  
Date of Birth: 20-OCT-1964  
DCN or CB: 018838176  
Officer: FELMON  
Arrest Date: 17-FEB-2014  
Arrest Address: 11343 S MILLARD AVE CHICAGO, IL 60655  
Residence: 11347 S MILLARD AVE CHICAGO, IL 60655  
Officer Badge#: 4121  
Holding Facility: CPD - DISTRICT 022  
Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	C	M	720 ILCS 5.0/12-1-A	Assault - Simple	OFFENSE AS CITED

**COURT CHARGES/DISPOSITION**

Statute	Charge	Class	Case#
720-5/12-1-A	ASSAULT - SIMPLE	M	14119470901
Disposition: STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE	Disposition Date: 25-MAR-2014		
Sentence:	Sentence Date:		

**ARREST**

Arrest Name: DEWAR, ANDREW D  
Date of Birth: 20-OCT-1964  
DCN or CB: 015036353  
Officer: COLLINS  
Arrest Date: 15-FEB-2002  
Arrest Address: 9506 S CALIFORNIA EVERGREEN, IL 60655  
Residence: 11347 S MILLARD AV CHICAGO, IL 60655  
Officer Badge#: 103  
Holding Facility: MERRIONETTE PARK  
Arresting Agency: MERRIONETTE PARK

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	A	M	625 ILCS 5.0/11-503-A	Ivc - Reckless Driving	OFFENSE AS CITED
[1]	4	F	720 ILCS 5/8-1	Solicitation - Ivc - Agg Fleeing/Police/21 Mph	SOLICITATION

\*\*\*End of Report\*\*\*

This Chicago Police Department IR rap-sheet should not replace the use of the Illinois State Police statewide criminal history transcript, which may contain additional criminal history data and can be obtained by performing a CQR1 inquiry via your LEADS terminal.

12-FEB-2015 08:49



ILLINOIS STATE POLICE  
BUREAU OF IDENTIFICATION  
260 NORTH CHICAGO STREET  
JOLIET, ILLINOIS 60432-4075

01-6

DAVID ANDREW DEWAR  
11347 S. MILLARD  
CHICAGO, IL 60655

Dear Sir/Madam,

A court order has been forwarded to the Illinois State Police (ISP), Bureau of Identification for processing regarding the individual listed below. The Illinois Criminal Identification Act defines the specific circumstances under which a criminal record can be sealed or expunged. The arrest record(s) contained in the court order has been processed based on the sealing and expungement provisions contained in the Illinois Criminal Identification Act. The processing conclusion appears in the RESULT field located in the Identifiers section below.

If the result indicates 'complied', the arrest record(s) have been sealed or expunged pursuant to the court order. If the result indicates 'referred', the ISP objects to the court order and has referred the matter to the Office of the Illinois Attorney General to have the court order vacated. Please refer to the second page of this correspondence to get a more detailed explanation of the reason for the referral. If the result indicates 'no record', a search of the files of the ISP Bureau of Identification failed to reveal any record(s) of the court ordered event.

If you have any questions regarding the result of your court order or questions concerning any other information contained in this correspondence, please contact the Illinois State Police at [boi\\_customer\\_support@isp.state.il.us](mailto:boi_customer_support@isp.state.il.us) or call (815) 740-5160. Thank you for allowing us an opportunity to address your needs.

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**IDENTIFIERS**

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TCN: WS10007006702077

SUBMISSION TYPE: EXPSL

Name: DEWAR, DAVID ANDREW

Sex Code: M

RESULT: COMPLIED-COURT ORDER

Race Code: B

DOB: 10/20/1964

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**STATE USE ONLY**

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**WARNING:** Release of this information to unauthorized individuals or agencies or misuse is prohibited by Federal Law Title 42 UCS 3787g pertaining to criminal history information.

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IL 493-CINQ(06/98)



01-7

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**EXPUNGEMENT/SEAL/PETITION RESULT**

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**RESULT:** PURSUANT TO ILLINOIS COMPILED STATUTES, 20 ILCS 2630/5.2, THE ILLINOIS STATE POLICE HAS EXPUNGED THE ARREST(S) LISTED BELOW:

**DECISION DATE:** 02/15/2006

**IDENTIFIERS**

**Charge:** RECKLESS DRIVING

**Arrest Date:** 02/15//2002

**DCN:** G15036353

**Agency Case #:**

**Name:** DEWAR, ANDREW D

**Arrest Agency:** CHICAGO POLICE DEPARTMENT

**CCN:** 02500218201

**DOB:** 10/20/1964

---

**RESULT:** PURSUANT TO ILLINOIS COMPILED STATUTES, 20 ILCS 2630/5.2, THE ILLINOIS STATE POLICE HAS EXPUNGED THE ARREST(S) LISTED BELOW:

**DECISION DATE:** 02/15/2006

**Charge:** SOLICIT AGGRAVATED FLEEING POLICE

**Arrest Date:** 02/15/2002

**DCN:** G15036353

**Agency Case #:**

**Name:** DEWAR, ANDREW D

**Arrest Agency:** CHICAGO POLICE DEPARTMENT

**CCN:** 02500218201

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**STATE USE ONLY**

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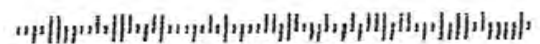
**WARNING:** Release of this information to unauthorized individuals or agencies or misuse is prohibited by Federal Law  
Title 42 UCS 3789g pertaining to criminal history information.

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**ILLINOIS STATE POLICE**  
*Bureau of Identification*  
260 North Chicago Street  
Joliet, Illinois 60432-4075

60655342947



X



11750 South Kedzie Avenue  
Merrionette Park, Illinois 60803  
708-396-3170  
FAX 708-385-5014

March 9, 2015

David Andrew Dewar  
11347 S. Millard  
Chicago, Illinois 60655

RE: Merrionette Park Police Department Court Case #02500218201

The Merrionette Park Police Department has expunged the records of the above referenced case pursuant to the authority granted by the Order of the Court dated November 7, 2005. All documents pertaining to Merrionette Park Police Department DCN/G15036353 posted February 15, 2002 have been destroyed.

All orders to expunge or seal are governed by Illinois Compiled Statutes 20ILCS2630/5.

Respectfully,

Robert F. Stevens  
Chief of Police





VILLAGE OF MERRIONETTE PARK  
POLICE DEPARTMENT  
11750 South Kedzie Avenue  
Merrionette Park, Illinois 60803

David Andrew Dewar  
11347 S. Millard  
Chicago, Illinois 60655

CL-10

01-11

THE FOLLOWING INFORMATION IS  
A SUMMARY OF THE INFORMATION  
CONTAINED IN THE ATTACHED

STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES

OFFICE OF THE COUNTY CLERK  
100 N. GATE STREET, SUITE 1000  
LOS ANGELES, CALIFORNIA 90012

NOTICE TO CREDITORS

IN RE: ESTATE OF  
JAMES EARL RAY, JR.

Case No.	16-00000000
Case Name	JAMES EARL RAY, JR.
Case Type	Probate
Case Status	Open

DECEASED	10/01/1924
DATE OF DEATH	10/01/1924
DATE OF BIRTH	10/01/1924

BY A TRUE

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Page 001

PEOPLE OF THE STATE OF ILLINOIS

C1-12

VS

NUMBER 02500218201

DAVID A DEWAR

## CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County/Local Prosecutor has filed a complaint with the Clerk of the Circuit Court.

Charging the above named defendant with:

625 5 11 503	M	RECKLESS DRIVING
625 5 11 204 1	M	AGGRVYD FLEEING AND ELUDG
625 5 12 201B	T	Y9227041
625 5 11305B	T	Y9227042
625 5 126031	T	Y9227043
625 5 11306	T	Y9227044

The following disposition(s) was/were rendered before the Honorable Judge(s):

03/08/02 STRICKEN OFF - LEAVE REINSTATE	C001	
RYAN JAMES J.		
03/08/02 STRICKEN OFF - LEAVE REINSTATE	C003	
RYAN JAMES J.		
03/08/02 STRICKEN OFF - LEAVE REINSTATE	C004	
RYAN JAMES J.		
03/08/02 STRICKEN OFF - LEAVE REINSTATE	C005	
RYAN JAMES J.		
03/08/02 STRICKEN OFF - LEAVE REINSTATE	C005	
RYAN JAMES J.		
03/08/02 DEF DEMAND FOR TRIAL		
RYAN JAMES J.		
03/08/02 SENT/CRT SUPV/SPEC CONDS	C002	
6 MTH		
RYAN JAMES J.		
03/08/02 DEFENDANT FINED	C002	\$ 300
RYAN JAMES J.		
03/08/02 DEFENDANT FINED	C002	\$ 125
RYAN JAMES J.		
03/08/02 TRAFFIC SAFETY SCHOOL	C002	
8 HRS TSS		
RYAN JAMES J.		
03/08/02 TERM DATE-PROB-COND DIS-SUPV		
RYAN JAMES J.		09/25/02 0575



IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Page 002

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 02500218201

DAVID

A DEWAR

## CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County/Local Prosecutor has filed a complaint with the Clerk of the Circuit Court.

02/15/02 BOND SET BY RULE OF COURT	03/08/02 0575		
03/08/02 PAYMENT RECEIVED - CASH		0016	
07/08/02 CONTINUANCE BY ORDER OF COURT	10/23/02 0575		\$ 425
O'MALLEY, JAMES P.			
07/08/02 REINSTATEMENT	C002		
O'MALLEY, JAMES P.			
07/08/02 TRAFFIC SAFETY SCHOOL	C002		
REINSTATE 8 HRS			
O'MALLEY, JAMES P.			
07/08/02 DEFENDANT FINED	C002		
O'MALLEY, JAMES P.			\$ 30
07/08/02 PAYMENT RECEIVED - CASH			
09/25/02 CASE ADVANCED	0008		\$ 30
O'MALLEY, JAMES P.			
09/25/02 VACATE ORDER			
VACATE DATE OF 10-23-02			
O'MALLEY, JAMES P.			
09/25/02 SUPERVISION TERM/DISCHARGED			
O'MALLEY, JAMES P.			
08/02/05 PETITION FOR EXPUNGEMENT FILED			
01/26/05 PETITION/EXPUNGEMENT-ALLOWED			

I hereby certify that the foregoing has been entered of record on the above captioned case.

Date 03/14/15

*Dorothy Brown*

DOROTHY BROWN

CLERK OF THE CIRCUIT COURT OF COOK COUNTY

01-14



**CHICAGO POLICE DEPARTMENT**  
3510 South Michigan Avenue/Chicago, Illinois  
60653  
Identification Section



**CRIMINAL HISTORY REPORT**

CPD-31903C (REV. 7/04)

**DEWAR, DAVID**  
IR # 1475483  
SID # 45298260  
FBI # 937257CH5  
IDOC #

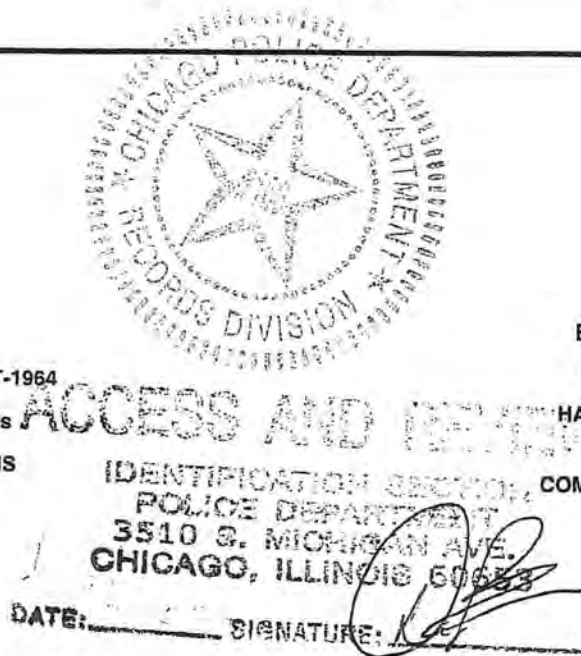
CPD photo

MALE  
WHITE  
6'03"  
230 lbs  
EYES : BRO  
HAIR : XXX  
HAIR STYLE :  
BALD  
COMPLEXION :  
FAR



**Current Arrest Information:**

Date of Birth: 20-OCT-1964  
Age: 49 years  
Place of Birth: ILLINOIS  
SSN #:  
Drivers License #:  
Drivers Lic. State:  
Scars, Marks & Tattoos:



**Key Historical Identifiers:**

<u>Alias or AKA used</u>	<u>Date Used</u>	<u>Dates of Birth Used</u>	<u>Social Security Numbers Used</u>
DEWAR, DAVID	17-FEB-2014	20-OCT-1964	Not Available

Criminal Justice Summary: Total arrests: 1 (0 Felony, 1 Misdemeanor)

Total convictions: 0

**ARREST**

Arrest Name: DEWAR, DAVID  
Date of Birth: 20-OCT-1964  
DCN or CB: 018838176  
Officer: FELMON

Arrest Date: 17-FEB-2014 Holding Facility: CPD - DISTRICT 022  
Arrest Address: 11343 S MILLARD AVE CHICAGO, IL 60655  
Residence: 11347 S MILLARD AVE CHICAGO, IL 60655  
Officer Badge#: 4121 Arresting Agency: CPD

Count	Class	Type	Statute	Arrest Charge Description	Inchoate
[1]	C	M	720 ILCS 5.0/12-1-A	Assault - Simple	OFFENSE AS CITED

**COURT CHARGES/DISPOSITION**

<u>Statute</u>	<u>Charge</u>	<u>Class</u>	<u>Case#</u>
720-5/12-1-A	ASSAULT - SIMPLE	M	14119470901
<u>Disposition:</u> STRICKEN FROM DOCKET WITH LEAVE TO REINSTATE		<u>Disposition Date:</u> 25-MAR-2014	
<u>Sentence:</u>		<u>Sentence Date:</u>	

\*\*\*End of Report\*\*\*

C1-15

This Chicago Police Department IR rap-sheet should not replace the use of the Illinois State Police statewide criminal history transcript, which may contain additional criminal history data and can be obtained by performing a CQR1 inquiry via your LEADS terminal.

17-MAR-2015 08:45

Requested by: PC0Q494





Rahm Emanuel  
Mayor

Chicago Police Department  
City of Chicago  
3510 South Michigan Ave  
Chicago, IL 60653



Garry F. McCarthy  
Police Superintendent

**Procedural Guide for INDIVIDUALS Residing**  
**OUTSIDE THE CITY OF CHICAGO**

**\*\*\*\*\*NOTICE\*\*\*\*\***

- **This request will ONLY be mailed to the residence of the individual who requests it.**
- **This process should not be used by private attorneys or companies attempting to gather criminal history information or conduct a background check.**
- **This process should not be used by government agencies attempting to gather criminal history information for immigration purposes.**

INDIVIDUALS requesting a copy of their Adult (17 YEARS AND ABOVE) "RAP SHEET" and living outside the City of Chicago who cannot report in person to 3510 S. Michigan will follow the procedure below:

1. Contact their local police agency in the city/town where they are residing and request to be fingerprinted (each city has their own policy and procedures for fingerprinting). They will be given a fingerprint card with their fingerprints on it. **DO NOT TO BEND THE CARD OTHERWISE IT CANNOT BE PROCESSED.**
2. You must enclose a copy of your current valid state driver's license or valid state identification card.
3. There is a processing fee of \$16.00 USC and is accepted in the form of a "Money Order" only made out to the "Department of Revenue." **DO NOT SEND CASH**
4. You must enclose a self-addressed stamped envelope with sufficient postage.
5. You must write a short letter as to what you are requesting. Include all ALIAS names used in the past. Failure to include all alias names may produce a negative result. This letter must contain a working contact telephone number (requests without telephone numbers may not be processed).
6. You must place the *fingerprint card, the fee, the photo identification copy, self addressed stamped envelope, and the letter in a large envelope and mail it to the following address:*

Chicago Police Department  
Field Services Section – Unit 166 / Attn: Mr. Jerry Young  
3510 South Michigan Avenue  
Chicago Illinois 60653  
312-745-5644

All requests for JUVENILE (16 and UNDER) "RAP SHEETS" will be directed to the Youth Division at 312-745-6004

Effective September 2007

Emergency: 9-1-1 • Non-Emergency: (Within City limits) 3-1-1 •  
Non-Emergency: (Outside City limits) 312-746-6000 TTY: 312-746-9715

→ M-Fri day  
8:30 AM to noon  
1) To be fingerprinted  
2) 2 week pick up Fri.  
8:30 AM  
+  
3 PM



## **\* Criminal Convictions and Dismissals in Illinois**

What is a conviction and what isn't?

### **What sentences are considered convictions in Illinois?**

#### **CONDITIONAL DISCHARGE**

This is a criminal sentence that doesn't involve incarceration or supervision by a probation officer but where the court will require you to meet certain conditions. This can result in incarceration if the conditions of release are violated.

#### **PROBATION**

This is a criminal sentence that doesn't involve incarceration but where you are under the periodic supervision of a probation officer. This can result in incarceration if the conditions of release are violated.

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This is part of a criminal sentence that involves release after a period of incarceration where you are then subject to periodic supervision by a parole officer. This can result in re-incarceration if the conditions of release are violated.

#### **TIME CONSIDERED SERVED**

The time spent in jail awaiting your criminal proceedings can be considered part of your criminal sentence.

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Community Service does not always indicate you have been convicted of a crime but can be part of a criminal sentence upon conviction. Oftentimes, community service requires you to work for free for a non-profit organization or a public body like the government that will report back to the court on your hours and progress.

#### **PRISON OR JAIL TIME**

This is part of a criminal sentence that subjects you to incarceration in a prison or jail depending on what crime you were convicted of. Generally, after a period of incarceration, you will be released on parole.

#### **FINES for MUNICIPAL ORDINANCE VIOLATIONS**

Sometimes the sentence for a criminal violation is payment of a fine. If you cannot pay the fine, you may be subjected to incarceration.

### **\* What isn't a conviction in Illinois?**

#### **SUPERVISION (if completed satisfactorily)**

To get supervision, you must plead guilty to the crime you are being charged with but will be released and subjected to any terms the court may place on you. Most commonly for a first offense, people are given a few months of supervision where the key term is to have no further criminal violations. If supervision is completed satisfactorily, the court will discharge you and enter a judgment dismissing the charges without you having to return to court. If supervision is not completed satisfactorily, it can result in a conviction.

#### **710-1410 PROBATION**

A type of probation given to first time drug offenders. You are placed in probation for up to two years during which time the proceedings are deferred. There are conditions of this probation which include periodic drug testing, community service, and no further criminal violations. If you complete 710-1410 probation satisfactorily the charges will be dismissed.

#### **RELEASE WITHOUT CHARGING**

You are released after arrest without ever being charged with a criminal violation.

#### **DISMISSALS AND ACQUITTALS, including:**

**\* A Finding of Not Guilty, Stricken off With Leave to Reinstate (SOL) Note: The state can reinstate the case within 120-160 days if your case is SOL, Non-Suit, Nolle Prosequi, Finding of No Probable Cause, and Dismissed Without Prejudice.**



**Granted Petition Letter**  
**26<sup>th</sup> Street Live Court Call**

**Congratulations!** Today the judge granted your petition to expunge or seal your criminal record. The judge's order is effective immediately; however, THE PROCESS IS NOT OVER. Additional paperwork will be sent to verify that the process is complete.

**When is my expungement or sealing complete?** There are three agencies that are ordered to expunge or seal your records: (1) the Clerk's Office; (2) the Chicago Police Department; and (3) the Illinois State Police. Each agency sends the following information:

- (1) **Clerk's Office.** Although you received a copy of your Order today, the Clerk's Office will process it by removing your name from the public access computers. You will receive another copy of this order in several weeks from the Clerk's Office, stamped "EXPUNGED" or "IMPOUNDED." This means the records ordered expunged or sealed are no longer accessible.
- (2) **Chicago Police Department.** You will receive a letter within several months confirming the Chicago Police Department has expunged or sealed the record.
- (3) **Illinois State Police.** You will also receive a letter stating the agency "COMPLIED" with the Court Order and expunged or sealed the record. The ISP also forwards the order to the FBI, to remove the records from background checks, but no confirmation is sent directly from the FBI.
  - If you receive a letter from the Illinois State Police that says "REFERRAL," this means the Illinois State Police may be challenging your expungement/sealing. If you receive this letter, make sure to keep a copy of all paperwork (court order, RAP sheet, letters, etc.). If you receive a motion to vacate with a new court date, contact CGLA at 312-738-2452.

**What if I haven't received any information?** The Chicago Police Department and Illinois State Police have 60 days from the date it receives the Order from the Clerk's Office to comply. They often do not receive the Order from the Clerk's Office for several weeks. If it has been over 75 days, you should contact the CPD at 312-745-5048 or the ISP at 815-740-5160 to inquire about the status of your expungement or sealing.

**Is the Order final?** If for any reason the Illinois State Police objects to the order, they will have the same time frame (60 days from the day they receive the motion) to file a motion to vacate or modify the court's order. The ISP will notify you by letter if they oppose the order and will file a motion in court. If you receive a notice that a motion to vacate or modify the court's order was filed, please contact CGLA at 312-738-2452.

**What's the difference between expungement and sealing?** Under both remedies, if your entire record was ordered expunged or sealed, you are allowed to answer "no" to the question, "have you ever been convicted?" On background checks, the response is "no record" to employers or landlords.

	EXPUNGEMENT	SEALING
Clerk's Office	Case information is removed from public access computers; file is impounded and only available through a court order.	Case information is removed from public access computers; file is impounded and only available through a court order.
Chicago Police Department	Arrest records are physically destroyed.	Arrest records are sealed and only available through court order.
Illinois State Police	Records are physically destroyed (except for 710-1410 or TASC Probation cases, because those are only sealed by law, although called "expunged.")	Records are sealed and only available with legal authority.

**\*\*Remember – if you could not expunge or seal your whole record,  
 the records that were not eligible will still appear on background checks.\*\***



### What the difference between expungement and sealing?

- No agencies can see expunged records unless for 710-1410 or TASC Probation, in which case law enforcement has access to those records only.
- All sealed records can still be viewed by law enforcement.
- Sealed felony conviction records are accessible to some employers under the law. These are employers that conduct fingerprint based background checks for employment (examples include: schools, park districts, children service organizations, Department of Children and Family Services, public transportation and health care agencies). A Certificates of Good Conduct or Health Care Waiver might be appropriate for these types of jobs.

### What are my rights?

- You cannot have an expunged or sealed record used against you in an employment decision. The Illinois Human Rights Act prohibits employment discrimination based on expunged or sealed records. One of the hurdles faced by individuals are bad internet based background check companies that do not update their records to show something is expunged or sealed. **EVEN THOUGH THEY SEE IT, THEY CANNOT USE IT!**
- According to the Fair Credit Reporting Act, if you face any adverse action based on information obtained from a criminal background check, you are entitled to a copy of the report that contains the information used in making the adverse decision (i.e., in employment or housing decisions). Do not let a prospective employer or landlord tell you that you have been denied a job or housing without obtaining a copy of the criminal background report.
- If you are denied a copy of the criminal background report or denied employment, please call CGLA at 312-738-2452.
- If you receive a report that contains inaccurate information, send the company a copy of the judge's order with a letter requesting that the company stop releasing your expunged or sealed record.

***If you were unable to completely expunge or seal your records today, you still have work to do!***

- ☐ Suburban Districts - If you had arrests or convictions in other Cook County suburban districts that are eligible to be expunged or sealed, we can help prepare your petitions. You will need to file the petitions in the suburban court. Don't forget to ask the Clerk for a fee waiver application if you qualify.
- ☐ Other Illinois Jurisdictions - The Illinois Office of the State Appellate Defender ("OSAD") can answer questions on how to file petitions outside of Cook County. Contact OSAD at (866)787-1776 or (866)431-4907 or visit their website (<http://www.state.il.us/defender/>) to obtain an information package with instructions and forms.
- ☐ Offenses Ineligible for Sealing - The only way you can remove criminal records that are ineligible to be sealed is to obtain an Executive Clemency, or Pardon, from the Governor. Although you don't have to wait a specific time period before you petition for executive clemency, we suggest that you wait at least five years with no criminal history to truly demonstrate that you are a law-abiding citizen deserving of a second chance. Further information on the clemency process can be found at the Prisoner Review Board website ([www.state.il.us/prb](http://www.state.il.us/prb)) or Illinois Legal Aid Online ([www.illinoislegalaid.org](http://www.illinoislegalaid.org)).
- ☐ Other Forms of Relief
  - ☐ Health care waivers – required to work in unlicensed health care for certain non-sealed convictions.
  - ☐ Certificates of Good Conduct – may be required to work in some jobs (i.e. CPS, CTA) with certain convictions; or can generally serve as a letter of recommendation from a judge.
  - ☐ Certificate of Relief from Disabilities – can help persons with criminal records obtain licenses (barber, real estate, etc.).

If you are interested in help with one of these other forms of relief, call CGLA at 312-738-2452 or visit our Daley Center help desk in room 1006 (M-Th 9-12pm, Th 1-4pm) to find out if you fit our intake guidelines.

The legal advice and assistance provided to you today in court was from Cabrini Green Legal Aid. At the request of the Chief Judge, our agency is present to provide representation to those facing contested petitions to expunge or seal.




[Secure Messages](#) [Preferences](#) [Help](#) [Exit](#)

ACCOUNTS

BILL PAYMENT

TRANSFERS

SERVICES

My TCF

REWARDS

MOBILE

[Balances](#)
[Activity](#)
[Statements](#)
[Search](#)

## Activity

For checking and savings accounts, transactions are updated during TCF's nightly processing. Therefore, all your transactions may not be shown and the balance shown may not be fully available for immediate withdrawal. Debit card authorizations and pending withdrawals and transfers reduce the amount available for immediate withdrawal. Check deposits and other pending deposits may not all be included in the amount available for immediate withdrawal. All pending transactions may not be shown. Transactions may not be posted to your account in the order shown. Go to "Help" and then "Glossary" for a further explanation of terms.

# TCF Free Checking -

8165

DAVID A DEWAR

 11347 S MILLARD AVE  
 CHICAGO IL 60655-3429

Account Balance: \$125.06  
 Total Pending Items: \$-124.39  
 Current Balance Including Pending Transactions: \$.67  
 Balance As Of: 02/17/2014 10:01 AM CST  
 Year-To-Date Interest: \$.00  
 Last Year's Interest: \$.00

[Change Account View](#)

View Account:

TCF Free Checking - 8165

Choose one:

☒ View From 12/19/2013 to 02/17/2014

☐ Display the last days of transactions

[Change View](#)

## Transactions pending...

Date	Transaction	Description	Status	Amount
02/17/2014	Card Authorization	IL ISP FORTE*SERVICE FESPRINGFIELD ILUS	Pending	\$-3.53
02/17/2014	Card Authorization	ISP CONCEALED CARRY INTSPRINGFIELD ILUS	Pending	\$-150.00
02/17/2014	Deposit	DEPOSIT REF # XXXXXXXX	Pending	\$72.00
02/16/2014	POS Purchase	POS #03098 JEWEL	Pending	\$-7.86
02/15/2014	Card Recurring Pmt	MYFAX *PROTUS IP SOLN 866-563-9212 GAUS	Pending	\$-10.00
02/15/2014	Deposit	DEPOSIT REF # XXXXXXXX	Pending	\$1.00
02/13/2014	Card Recurring Pmt	NAMESCOUT.COM OTTAWA ONCA	Pending	\$-25.00
02/13/2014	Card Authorization	NAMESCOUT.COM OTTAWA ONCA	Pending	\$-1.00

Image

[View Image](#)
[View Image](#)

Transactions between 12/19/2013 and 02/17/2014

(C) ChATm #2 - 12 Pages

Ca-1

Submitted: 2/17/2014

Under Board Review

C2-2

Gender: **Male**Height: **6'3"**Weight: **215**Applicant: **David A Dewar**Previous Names: **David A Dewar**Date of birth: **10/20/1964**Place of birth: **IL**Race: **White**Hair Color: **Brown**Eye Color: **Brown**Fingerprint TCN #: **LS10862L77698689**US Citizen: **Yes**State of Residence: **IL**Welcome David A Dewar | [Sign Out](#)Contact Info: **708-369-1153** (Primary)[ddewar05@hotmail.com](mailto:ddewar05@hotmail.com)FOID Number: **85890330**ID Type: **Driver's/Operator's License**ID Number: **D60016164299**State: **IL**Expiration: **10/2017**

## Addresses

From	To	Address	City	State	Zip	County	Country
11/1984	Present	11347 S MILLARD AVE	Chicago	IL	60655	Cook	US

## Uploaded Documents

scan0150.pdf (222935)

## Criminal History Questions

**No** Have you ever been found guilty of a felony?**No** Within the past 5 years (preceding the date of this application), have you been convicted or found guilty in this State or any other state of a misdemeanor involving the use or threat of physical or violent to any person? **No** Within the past 5 years (preceding the date of this application), have you been convicted of a battery, assault, aggravated assault, violation of an order of protection, or a substantially similar offense in which a firearm was used or possessed?**No** Have you ever been convicted of domestic battery (felony or misdemeanor), aggravated domestic battery or a substantially similar offense?**No** Have you ever been adjudicated a delinquent minor for the commission of an offense that if committed by an adult would be a felony?**No** Are you currently the subject of pending arrest warrants, prosecution, or proceeding for an offense or action that could lead to the disqualification to own or possess a firearm?**No** Are you currently the subject of an existing Order of Protection or No Contact/No Stalking Order?**No** Within the past 5 years (preceding the date of this application), have you been in residential or court-ordered treatment for alcoholism, alcohol detoxification, or alcohol treatment?**No** Within the previous year, have you failed a drug test for a drug for which you did not have a prescription?**No** Within the past year (preceding the date of this application), have you used or been addicted to any controlled substance or narcotics in violation of state or federal law?**No** Are you a medical marijuana patient registry card holder?**No** Within the past 5 years (preceding the date of this application) have you been convicted or found guilty in this State or any other state of two or more violations related to driving while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or a combination thereof?**No** Within the past 5 years (preceding the date of this application), have you been a patient in a mental institution or any part of a medical facility for the treatment of mental illness?**No** Have you ever been adjudicated by a court as a mental defective or ordered by a court, board or authorized entity to an in-patient or out-patient mental health?**No** Are you intellectually or developmentally disabled?

(SATURDAY)  
3/22/2014





Illinois State Police

## CONCEALED CARRY FIREARM TRAINING CERTIFICATE

I, Edward Griffin

(Instructor Name Printed)

certify that

David A. Dewar

(Applicant Name – First, Middle, Last)

has successfully completed training for an

Illinois Concealed Carry Firearms License on

01/30/2014

(Date)

pursuant to the Illinois Firearm Concealed Carry Act ("the Act").

I provided 16 hours of training required by Sections 75(b) and 75(c) of the Act.

CURRICULUM ID #: CCC 13A0156



I verified \_\_\_\_\_ hours of prior training and provided the additional required training to be counted towards the 16 hour requirement pursuant to Section 75(g) of the Act.

The Applicant provided documentation of the following courses for prior training credit. (CHECK ALL THAT APPLY)

- ☐ Illinois Hunter Safety Course ..... 4 hours
- ☐ Utah Concealed Carry..... 4 hours
- ☐ Florida Concealed Carry..... 4 hours
- ☐ Nevada Concealed Carry ..... 4 hours
- ☐ Missouri Concealed Carry ..... 4 hours
- ☐ Kentucky Concealed Carry ..... 4 hours
- ☐ Michigan Concealed Carry ..... 4 hours
- ☐ Chicago Firearms Safety Course ..... 4 hours

- ☐ NRA Basic Pistol ..... 8 hours
- ☐ NRA Personal Protection in the Home..... 8 hours
- ☐ NRA Personal Protection Outside the Home..... 8 hours
- ☐ Active, Retired or Honorably Discharged  
member of the US Armed Forces..... 8 hours
- ☐ Previously qualified law enforcement or corrections  
officer (430 ILCS 75 (j))..... 8 hours

I hereby certify that the above applicant has demonstrated a total of 16 hours of approved training curriculum as required by Section 75(b) and 75(c) of the Act.

INSTRUCTOR ID NUMBER:

CCT 13A297INSTRUCTOR BUSINESS NAME: GT Firearms, LLC

INSTRUCTOR SIGNATURE:

Edward Griffin

APPLICANT SIGNATURE:

David A. Dewar



## ILLINOIS STATE POLICE

*Division of Administration*

Hiram Grau  
Director

In order for an individual to review and challenge their criminal history record information, a Right of Access and Review fingerprint card must be submitted to the Illinois State Police, Bureau of Identification (BOI) through a local law enforcement agency or correctional facility, if the individual is incarcerated. If the local law enforcement agency or correctional center is unfamiliar with Illinois' Right of Access and Review procedures, this information can be located via the Illinois State Police web site <http://www.isp.state.il.us/crimhistory/viewingchrircds.cfm>. The BOI does not charge a fee for these submissions; however, the reviewing agency may charge a minimal processing fee.

The local law enforcement agency or correctional facility will submit the Right of Access and Review fingerprint card to the BOI for processing. The BOI will return a copy of the response to the submitting agency for their review, along with a Record Challenge Form. They in turn will notify the individual fingerprinted so he/she can review their Illinois criminal history record information.

An individual who believes their criminal history transcript is inaccurate may request a correction by completing and submitting the Record Challenge Form. The local law enforcement agency or correctional facility will submit the form to the BOI for processing. The individual will receive a written response to the record challenge.

Law enforcement agencies and correctional facilities outside of Illinois are not required to comply with Illinois rules and requirements regarding the Right to Access and Review procedures.

The Illinois State Police, Bureau of Identification, does not maintain arrest reports, or statements taken by arresting agencies. Requests for this type of information should be directed to the police department involved or the circuit clerk of the county where the case was heard.

Any person wishing to review their Federal Bureau of Investigation criminal history record should access the instructions provided via the internet at <http://www.fbi.gov/hq/cjis/cjis.htm>. If additional assistance is required the helpline phone number for federal criminal history information is 304-625-5990.

For additional information or instructions on challenging Illinois criminal history record information, please feel free to access this information via the ISP web site <http://www.isp.state.il.us/crimhistory/viewingchrircds.cfm>. If further information or instruction is required the BOI Customer Support Unit staff can also be reached via email at: [BOI\\_Customer\\_Support@isp.state.il.us](mailto:BOI_Customer_Support@isp.state.il.us).

Sincerely,

Lieutenant John Rattigan  
Bureau Chief

Enclosure

*Bureau of Identification*  
260 North Chicago Street, Joliet, IL 60432-4075  
(815) 740-5160 . Fax (815) 740-4401  
[www.illinois.gov](http://www.illinois.gov) . [www.isp.state.il.us](http://www.isp.state.il.us)



Application Detail [back](#)

Application #: 000048619 Under Board Review

Submitted: 2/17/2014

Welcome David A Dewar | [Sign Out](#)Gender: **Male**Height: **6'3"**Weight: **215**Applicant: **David A Dewar**Previous Names: **David A Dewar**Date of birth: **10/20/1964**Place of birth: **IL**Race: **White**Hair Color: **Brown**Eye Color: **Brown**Fingerprint TCM #: **LS10862L77698689**US Citizen: **Yes**State of Residence: **IL**Contact Info: **708-369-1153** (Primary)  
[ddewar05@hotmail.com](mailto:ddewar05@hotmail.com)FOLD Number: **85890330**ID Type: **Driver's/Operator's License**ID Number: **D60016164299**State: **IL**Expiration: **10/2017**

RECEIVED

JUN 10 2014

Firearms Services Bureau

Illinois State Police

## Addresses

From	To	Address	City	State	Zip	County	Country
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- No** Are you intellectually or developmentally disabled?

CCL - APPEALS

JUN 10 2014

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/SAT/2014



IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Page 001

PEOPLE OF THE STATE OF ILLINOIS

VS

NUMBER 14119470901

DAVID

DEWAR

CERTIFIED STATEMENT OF CONVICTION / DISPOSITION

I, DOROTHY BROWN, Clerk of the Circuit Court of Cook County, Illinois, and keeper of the records and seal thereof do hereby certify that the electronic records of the Circuit Court of Cook County show that:

The States Attorney of Cook County/Local Prosecutor has filed a complaint with the Clerk of the Circuit Court.

Charging the above named defendant with:

720-5/12-1-A M ASSAULT - SIMPLE  
The following disposition(s) was/were rendered before the Honorable Judge(s):

02/24/14 BOND SET BY RULE OF COURT

03/25/14 7135

03/25/14 APPEARANCE FILED

SCONZA JOSEPH M

03/25/14 DEF DEMAND FOR TRIAL

SCONZA JOSEPH M

03/25/14 STRICKEN OFF - LEAVE REINSTATE

C001

SCONZA JOSEPH M

I hereby certify that the foregoing has been entered of record on the above captioned case.  
Date 03/25/14

Dorothy Brown / D.S.  
DOROTHY BROWN

CLERK OF THE CIRCUIT COURT OF COOK COUNTY

COL-APPEALS

JUN 10 2014

RECEIVED

# **Criminal Convictions and Dismissals in Illinois**

*What is a conviction and what isn't?*

## **What sentences are considered convictions in Illinois?**

### **CONDITIONAL DISCHARGE**

This is a criminal sentence that doesn't involve incarceration or supervision by a probation officer but where the court will require you to meet certain conditions. This can result in incarceration if the conditions of release are violated.

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This is a criminal sentence that doesn't involve incarceration but where you are under the periodic supervision of a probation officer. This can result in incarceration if the conditions of release are violated.

### **PAROLE**

This is part of a criminal sentence that involves release after a period of incarceration where you are then subject to periodic supervision by a parole officer. This can result in re-incarceration if the conditions of release are violated.

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The time spent in jail awaiting your criminal proceedings can be considered part of your criminal sentence.

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Community Service does not always indicate you have been convicted of a crime but can be part of a criminal sentence upon conviction. Oftentimes, community service requires you to work for free for a non-profit organization or a public body like the government that will report back to the court on your hours and progress.

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This is part of a criminal sentence that subjects you to incarceration in a prison or jail depending on what crime you were convicted of. Generally, after a period of incarceration, you will be released on parole.

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Sometimes the sentence for a criminal violation is payment of a fine. If you cannot pay the fine, you may be subjected to incarceration.

## **What isn't a conviction in Illinois?**

### **SUPERVISION (if completed satisfactorily)**

To get supervision, you must plead guilty to the crime you are being charged with but will be released and subjected to any terms the court may place on you. Most commonly for a first offense, people are given a few months of supervision where the key term is to have no further criminal violations. If supervision is completed satisfactorily, the court will discharge you and enter a judgment dismissing the charges without you having to return to court. If supervision is not completed satisfactorily, it can result in a conviction.

### **710-1410 PROBATION**

A type of probation given to first time drug offenders. You are placed in probation for up to two years during which time the proceedings are deferred. There are conditions of this probation which include periodic drug testing, community service, and no further criminal violations. If you complete 710-1410 probation satisfactorily the charges will be dismissed.

### **RELEASE WITHOUT CHARGING**

You are released after arrest without ever being charged with a criminal violation.

### **DISMISSALS AND ACQUITTALS, including:**

A Finding of Not Guilty, Stricken off With Leave to Reinstate (SOL) Note: The state *can* reinstate the case within 120-160 days if your case is SOL, Non-Suit, Nolle Prosequi, Finding of No Probable Cause, and... Dismissed Without Prejudice.

RECEIVED  
\*MY CASE  
Dismissed is  
12/11/2014





State of Utah

GARY R. HERBERT  
GovernorSPENCER J. COX  
Lieutenant GovernorKEITH D. SQUIRES  
CommissionerDEPARTMENT OF PUBLIC SAFETY  
Concealed Firearm Permit

NAME: DAVID ANDREW DEWAR  
 D.O.B. 10/20/1964 SEX: M  
 ADDRESS: 11347 S MILLARD AVE  
 CITY: CHICAGO ST: IL ZIP: 60655  
 DATE OF ISSUE: 04/15/2014 DATE OF EXPIRATION: 04/15/2019  
 HT: 603 WT: 215 EYES: BRO HAIR: BLD  
 Commissioner of Public Safety:

Dear Concealed Firearm Permit Holder:

You have been issued a concealed firearm permit by the Utah Department of Public Safety, **this permit is valid contingent on a satisfactory criminal history report being received from the FBI.** You will be notified if the fingerprints are rejected, or of a revocation if the FBI criminal history report contains information of a disqualifying nature. **If this is a renewal permit please dispose of your previous permit.** Please look over permit, if it has any mistakes, please contact us immediately.

This permit will be valid for a period of five years. **IT IS YOUR RESPONSIBILITY TO RENEW YOUR PERMIT PRIOR TO EXPIRATION. NOTIFICATION WILL BE SENT TO YOU APPROXIMATELY 45 DAYS BEFORE EXPIRATION.** Renewal forms will also be available from the Bureau of Criminal Identification and on our website [publicsafety.utah.gov/bci/](http://publicsafety.utah.gov/bci/). You must inform the Bureau when your address changes by email at [DPSFIREARMS@UTAH.GOV](mailto:DPSFIREARMS@UTAH.GOV).

In addition to the firearms training you have obtained, you need to be aware of the following:

- A concealed firearm permit only exempts you from Subsection 76-10-504(1) and (2), Utah code Annotated, carrying concealed dangerous weapon. Also section 76-10-505, Utah code Annotated, carrying a loaded firearm in a vehicle or on the street and Section 76-10-505.5, Utah code Annotated, possession of a dangerous weapon on or about school premises.
- A concealed firearm permit does not exempt you from any other state or federal law.
- Misuse of the concealed firearm permit privilege may result in suspension or revocation of your permit if there is reasonable cause to believe you pose a danger to yourself or others.
- When a concealed firearm permit holder has a concealed firearm in his/her possession and is stopped by a police officer, it is recommended that the concealed firearm permit holder advise the police officer as soon as possible.
- Religious institutions may prohibit firearms on their premises by making notification and advising the Utah Bureau of Criminal Identification. (Check the BCI website [publicsafety.utah.gov/bci/](http://publicsafety.utah.gov/bci/))
- The Utah Bureau of Criminal Identification invites you to participate in a short but meaningful survey about the comprehensiveness and integrity of the concealed firearm instruction you received from one of our certified instructors. The survey can be found on-line at: <http://publicsafety.utah.gov/bci/CFPSurvey.html>

If you have any questions, please contact our office at (801)965-4445 or [DPSFIREARMS@UTAH.GOV](mailto:DPSFIREARMS@UTAH.GOV) or visit our website.

CCL - APPEALS

FBI - APPEALS

JUN 10 2014



#177442 LETTERJune 6, 2014 (C2-9)  
(Friday)

To the Firearms Services Bureau,

PS1My Name is : David A. DewarDate of Birth is: 10/20/1964

RECEIVED

JUN 08 2014

Firearms Services Bureau  
Illinois State PoliceConceded CarryApplication # is 000049619

Enclosed is my Documentation about my Appeal. On Page 1 & Question 2 about the last 5 years of a physical threat to anyone being convicted; that still applies as I have not been convicted! Page 2 shows on 3/25/14 I was found Not Guilty with SOL - Stricken off with leave to Reinstatement in

\* March 25, 2014 + 120 DAYS = June 10, 2014 which is next month!

JUN 10 2014

FBI - APPEALS

Page 3 shows what I IS NOT A CONVICT In Illinois & clear my case w/ g of Dismissal SOL (120 DAYS)

RECEIVED

RECEIVED

APPEAL LETTER

C2-10

Pg 4 & 5 shows my CCP from Utah & several other states with my background being checked out ok with FBI and other law enforcement agencies! This is recently on 4/18/2014 this year!

Pg 6 shows my 16 HR CCF Certificate Completed

please look over my Documentation.

As of right now I have NO CONNECTIONS on my Criminal Record & have completed the Required Certification for a Illinois Conceal & Carry Permit!

Thank You,  
David A. Deane  
6/6/14 (Friday)

CCL-APPEALS

JUN 10 2014

RECEIVED

FBI-APPEALS

3.576





ILLINOIS STATE POLICE  
*Division of Administration*

Pat Quinn  
Governor

June 30, 2014

Hiram Grau  
Director

David Dewar  
11347 S Millard Ave  
Chicago, IL 60655

Re: CCL application # 49619

Dear David Dewar:

The Firearm Concealed Carry Act (FCCA - 430 ILCS 66/1 et. seq.) creates the Concealed Carry Licensing Review Board (CCLRB) to review and consider objections from law enforcement regarding applications for an FCCA license. Pursuant to Section 10 of the FCCA, the Department shall only issue a license insofar as the applicant (1) meets the qualifications of Section 25 of the FCCA; (2) provides the application and all documentation required by Section 30 of the FCCA; (3) has paid the fee; and (4) does not pose a danger to himself, herself, or others, or a threat to public safety as determined by the CCLRB in accordance with Section 20.

The FCCA does not allow for the Department to review a CCLRB denial. CCLRB decisions are final orders that are subject to judicial review under the provisions of the Administrative Review Law (735 ILCS 5/3-101 et. seq.). Pursuant to Section 87 of the FCCA, appeals regarding a denial of an application made by the CCLRB shall be made by petitioning the circuit court in writing of the county of the applicant's residence for a hearing upon the denial.

The Illinois State Police (ISP) has received documentation you submitted in furtherance of an appeal of the denial of your Concealed Carry License application. As stated above, and in the letter notifying you of the denial, you must petition, in writing, the circuit court in your county of residence within 35 days of the denial. Therefore, we are returning the submitted documents to you.

Respectfully,

Jessica L. Trame  
Bureau Chief

Memo - Friday, 8:30 AM to 5 PM.  
HRS



(217) 782-7980 (voice) • 1 (800) 255-3323 (TDD) • Fax: FOID (217) 782-9139 • FTIP (217) 782-4257  
www.illinois.gov • www.isp.state.il.us







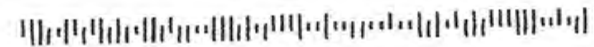
**ILLINOIS STATE POLICE**

*Division of Administration*

Firearms Services Bureau  
801 South Seventh Street, Suite 400-M  
Springfield, IL 62703-2487

David Dewar  
11346 S Millard Ave  
Chicago, IL 60655

5 FROM 3B 60655



CJ-1a

L



14119470901

STATE OF ILLINOIS  
- VS -  
DEWAR, DAVID



(C3)CLATM#3-10 pages  
3-25

14119470901

CB/DCN: 018838176 IR: 1475483 BRANCH 35  
COURT DATE: 03/25/2014 ROOM: 7135 TIME: 2:30  
BOND NO:                      \$:

C001 720-5/12-1-A



14  
1  
1  
9  
4  
7  
0  
9  
0  
1

Exhibit I  
(12 pages)

[illegible]

M1-CM-MI-120000-2014-(ITEM 1.4.4)

First Municipal District - Criminal  
Clerk of the Circuit Court

Dr. 9.512

ASE: 14119470901 S (START OF CASE )  
DEFENDANT NAME: DAVID DEWAR  
GENERAL INFORMATION  
CB: 018838176 IR: 1475483 SID:

PAGE: 001 OF 001 - PROD  
LST APPEAL:

FBI:

RD: HW154717

C3-2

HARGE INFORMATION

BR A TYPE CLASS CHAPTER/SECTION  
01 M 720-5/12-1-A

HW= YEAR 2013

DESCRIPTION  
ASSAULT - SIMPLE

DISPOSITION INFORMATION

022414-  
3OND SET BY RULE OF COURT  
BRANCH 35 RM 2

032514  
0230 PM

7135

I10000001

END OF FILE

ENTER=CONT PF3=RETN PF7=BKW PF8=FRW PF9=APPL PF10=RESET PF12=PRINT CLEAR=EXIT  
=> PRINT PAGES PAGE: 001 THRU 001 DESTINATION \_\_\_\_\_



## ORIGIN OF BOND

ISSUING AGENCY NO. CPD

Bail set by Rule of the Illinois Supreme Court OR

By

(PRINT NAME OF JUDGE)

(JUDGE'S NO.)

(OFFICE USE)

## BAIL AMOUNT

X, XX 1, 200 00  
X X

## DEPOSIT AMOUNT

\$ X X 1, 200 00  
X XOne Thousand Two Hundred  
One Hundred Twenty00  
100  
00  
100

DEFENDANT (Person Preparing Bond - Always complete this section)

Name DEWAR, DAVID (Last) (First) (MI)

Address 11347 S. MILLARD Apt. No.

City and State CHICAGO, IL Zip Code 60655

STATEMENT OF DEFENDANT: I understand and accept the terms and conditions set forth below and on the reverse side of this bail bond. I understand in all cases, 10 % of any amount posted as bail is retained by the Clerk of Court, by law. Further, I hereby certify that I understand the consequences of failure to appear for trial as required.

ASSIGNMENT OF BAIL BOND BY THE DEFENDANT: I hereby authorize the return of the money posted above to the person shown on this bond as having provided money for my bail after all conditions of this bail bond have been met, or as ordered by the court.

Defendant's Signature

COURT COMPLAINT OR INDICTMENT NUMBER(S)

CHARGE

DISPOSITION

14193703

700 ILCS 5/12-1

DISPOSITION entered by (Signature of Deputy Clerk)

Br. or Sub. CT

Court Date

Month Day Year

COURT APPEARANCE: Defendant named above shall appear in the Circuit Court of Cook County, Illinois located at:

Address (Number and Street) 11347 S. MILLARD City/Town/Village CHICAGO, IL

Branch No. 35 in Room No. 23 on 2014 at 2:00 p.m.

CONDITIONS OF BOND: The defendant is hereby released on the conditions as indicated below:

Appear to answer the charge in court until discharge or final order of court.  
Obey all court orders and process; not leave this State without permission of court and report changes of address to the Clerk within 24 hours.  
Not commit any criminal offenses while awaiting final order in this case.

If on appeal, prosecute the appeal; and surrender to custody if the judgment is affirmed or a new trial is ordered.

Surrender (725 ILCS 5/110-10(a)(5)) OR not possess any firearms or dangerous weapons until final order in this case.

Not contact or communicate with any complaining witnesses or members of their immediate families or:

Not go to the area or premises of victims/complaining witnesses home, work, school or:

Not to indulge in intoxicating liquors, illegal drugs or certain drugs, to-wit:

Undergo alcoholism or drug addiction treatment as ordered by the court.

- ☐ Undergo medical or psychiatric treatment as ordered by the court.  
☐ If you are charged with a criminal offense and the victim is a family or household member, you are ordered to refrain from all contact or communication with:

for a minimum of 72 hours following release, and further ordered to refrain from entering and/or remaining at the location of:

for a minimum of 72 hours following release.

- ☐ Reside with parents or in a foster home, attend school or nonresidential program for youths, contribute to his/her support at home or in a foster home, observe curfew set by court;  
☐ Report to and remain under the pretrial supervision of such agency or third-party custodian as ordered by the court;  
☐ Other conditions:

CONDITIONS - Continued on reverse side.

## NOTICE TO PERSON PROVIDING BAIL MONEY OTHER THAN THE DEFENDANT

I understand that the money I have posted is for the bail for the defendant named on this bond in the above numbered case or cases.

I understand that even if the defendant follows all court orders, that this money may be ordered by the Judge to pay for the defendant's attorney fees, court costs, fines, fees and/or restitution to the victim; and that I may lose all or part of my money.

I understand that if the defendant fails to comply with the conditions reflected on this bond, I may lose all of my money should the court enter a forfeiture of bail order.

I understand in all cases, 10 % of any amount posted as bail is retained by the Clerk of the Circuit court, by law.

Provider's Name (print): SHIRLEY DEWAR  
Relationship to Defendant: MOTHER  
Address: 11347 S. MILLARD  
City: CHICAGO State: IL Zip: 60655  
Area Code/Telephone No.: 73-445-5340  
Provider's Signature:

1 a.m. 2 p.m. Hour 11:10

Date 2, 17, 14

Month Day Year

THREE

D 8333971

COURT FILE COPY

This bail bond form was prepared by:

(Signature of Peace Officer)

Star No. 2133

Police Dept. CPD-622

(CPD District No. or Suburban City, Town, or Village)

Or Clerk of the Circuit Court of Cook County, by

(Signature of Deputy Clerk)

Loc.

(Branch or Suburban Court)

ATTACH THIS COPY TO THE COMPLAINT AND ARREST REPORT OR TO THE WARRANT AND FORWARD ALL PAPERS TO THE BRANCH OR HEADQUARTERS WHERE PERTINENT CASE IS ASSIGNED. COURT CLERK WILL ATTACH THIS COPY TO COURT FILE.

CCG N696 A-5M-2/14/03 (33480657)

Page 3 of 12

23-4

THE HONORABLE DOROTHY BROWN  
CLERK OF THE CIRCUIT COURT  
COOK COUNTY, IL

DATE: 2/27/2014 TIME: 11:49AM  
TN: 0001-0001 RN: 00010376  
DIST: 01 DIV: Criminal  
CP# 112 CAPTER: GARRYS CR# 247

ATTORNEY NO: 99500

REF CASE NO: 14119470901  
REF OTHER:

CASE TOTAL: \$5.00	
Copy Fee	\$5.00
CASH	\$5.00
CHANGE	\$0.00

RECEIPT 0001 OF 0001  
TRANSACTION TOTAL: \$5.00

THANK YOU



(This form replaces CCCR 0657 and CCMD 0224)

\*USE ONLY FOR CLASS "C" MISDEMEANORS/ORDINANCE VIOLATIONS

(Rev. 1/17/01) CCCR 0224

## INFORMATION AND DESCRIPTION OF DEFENDANT

Name	DAVID DEWAR							Alias	
Residence	11347 SOUTH MILLARD				CHICAGO		IL	60655	
	City/Town				State		Zip		
Sex	Race	Weight	Height	D.O.B.	Age	Complexion	Build	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
M	WHITE	6'03"	230	20 OCT 64	49	HEAVY	FAIR	Arrestee had been using Alcohol/Drugs	

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

CPD022 DEPARTMENT/ 1ST DISTRICT

WILLIAM HOSTY	}	No. 1419709
v.		
DAVID DEWAR		
	Plaintiff	
	Defendant	

WILLIAM HOSTY complainant, now appears before  
 (Complainant's Name Printed or Typed)

DAVID DEWAR  
 (defendant)

The Circuit Court of Cook County and states that

has, on or about 17 FEB 14 (date) [REDACTED] (place of offense)

committed the offense of ASSAULT SIMPLE (offense) in that he/she

WITHOUT LAWFUL AUTHORITY, KNOWINGLY THREATENED WILLIAM HOSTY BY TELLING HIM THAT HE IS  
 GOING TO GIVE HIM AN ASS KICKING PLACING WILLIAM HOSTY IN REASONABLE APPREHENSION OF  
 RECEIVING A BATTERY.

In violation of 720 ILCS 5.0 / 12-1A, OR (Ordinance Citation)

STATE OF ILLINOIS } ss.  
 COOK COUNTY

--	--	--	--	--	--	--	--

A O I C CODE

FEB 24 2014

DOROTHY BROWN  
CLERK OF CIRCUIT COURT

X William Hosty  
 (Complainant's Signature)

[REDACTED]  
 (Complainant's Address) (City/State/Zip)

[REDACTED]  
 (Complainant's Telephone)

WILLIAM HOSTY  
 (Complainant's Name Printed or Typed)

being first duly sworn,  
 complaint by him/her subscribed and that the same is true.

HIS on oath, deposes and says that he/she read the foregoing

X William Hosty  
 (Complainant's Signature)

Subscribed and sworn to before me on this 17 day of FEB 2014

P. Brown / TEO 4121  
 (Judge or Clerk)

I have examined the above complaint and the person presenting same and have heard evidence thereon, and am satisfied that there is  
 probable cause for filing same. Leave is given to file said complaint.

Summons Issued, Judge \_\_\_\_\_ Judge's No. \_\_\_\_\_

Warrant Issued, Bail set at: \_\_\_\_\_

Bail set at \_\_\_\_\_ Judge \_\_\_\_\_ Judge's No. \_\_\_\_\_

DOROTHY BROWN, CLERK OF THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

Exhibit 2 / Page 5 of 12



## CHICAGO POLICE DEPARTMENT

## FINAL APPROVAL

## ARREST REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653

(For use by Chicago Police Department Personnel Only)  
CPD-11.420C (REV. 6/30)

CB #: 18838176

IR #: 1475483

YD #:

RD #: HW154717

EVENT #: 1304403568

HW = (Year, Job) ←

## ARREST REPORTING

Name: DEWAR, David

Res: 11347 S Millard Ave  
Chicago, IL 60655Empl: Tax Free Retirement Solutions  
Financial Advisor

DOB: 20 October 1964

AGE: 49 years

POB: Illinois

ARMED WITH Unarmed

Beat: 2211

Male

White

6' 03"

230 lbs

Brown Eyes

Unknown Hair

Bald Hair Style

Fair Complexion



OFFENDER

INCIDENT

CHARGES

RECOVERED  
NARCOTICS

WARRANT

Arrest Date: 17 February 2014 19:00

TRR Completed? No

Total No Arrested: 1

Co-Arrests

Assoc Cases

Location: 11343 S Millard Ave  
Chicago, IL 60655  
304 - Street

Beat: 2211

Dependent Children? No

DCFS Ward ? No

Holding Facility: District 022 Lockup

Resisted Arrest? No

Offense As Cited 720 ILCS 5.0/12-1-A  
ASSAULT - SIMPLE  
Class C - Type M

Victim

Hosty, William

aw

25 MAR

NO NARCOTICS RECOVERED

FILE 5

FEB 24 2014

PROPERTY RETURNED

14194709

NO WARRANT IDENTIFIED

Exhibit 2 / Page 6 of 12

## Chicago Police Department - ARREST Report

CB #: 18838176

DEWAR, David

## ARREST REPORTING

## VICTIM AND COMPLAINANT

Name: HOSTY, William

Res: [REDACTED]

Beat: 2211

Male

White

DOB:

Age: 61

Comments:

Injured? No

Deceased? No

Hospitalized? No

Treated and Released No

NON-OFFENDER(S)

ARRESTEE  
VEHICLE

NO ARRESTEE VEHICLE INFORMATION ENTERED

PROPERTIES

## Confiscated Properties :

All confiscated properties are recorded in the e-Track System. This system can be queried by the inventory number to retrieve all official court documents related to evidence and/or recovered properties.

PROPERTIES INFORMATION FOR DEWAR, David, NOT AVAILABLE IN THE AUTOMATED ARREST SYSTEM.

INCIDENT NARRATIVE

(The facts for probable cause to arrest AND to substantiate the charges include, but are not limited to, the following)

EVENT # 11677 - IN SUMMARY - THIS IS AN ARREST BY BEAT 2211 . THE ABOVE SUBJECT WAS PLACED INTO CUSTODY ON SIGNED COMPLAINTS IN THAT , DURING A VERBAL ALTERCATION WITH THE VICTIM ( WILLIAM HOSTY ) , DAVID DEWAR STATED THAT HE WAS GOING TO " GIVE HIM AN ASS KICKING " which placed victim in fear , recieving a battery . R/OS PLACED SUBJECT INTO CUSTODY . READ MIRANDA . TRANSPORTED TO 022 DISTRICT FOR PROCESSING . NAME CHECK CLEAR WITH NO WARRANTS OR TWO DEGREES OF SEPERATION . COURT KE IS C . NO INVENTORIES . NO GANG AFFILIATION . NO GIP OR TRAPP . CLEAR LEADS .

COURT INFO

Desired Court Date: 25 March 2014  
Branch: 35-5 727 E 111TH ST - Room  
Court Sgt Handle? Yes  
Initial Court Date: 25 March 2014  
Branch: 35-5 727 E 111TH ST - Room  
Docket #:

BOND INFO

Bond Date: 17 February 2014 23:10  
Type: 10% Of Bond Paid  
Receipt #: D8333971  
Amount: \$1,200.00

Page 7 of 12



E3-8

## Chicago Police Department - ARREST Report

CB #: 18838176

DEWAR, David

## ARREST REPORTING

## ATTESTING OFFICER:

I hereby declare and affirm, under penalty of perjury, that the facts stated herein are accurate to the best of my knowledge, information and/or belief.

Attesting Officer: #4080 DEVINE, M K (PC0M180) 17 FEB 2014 19:54

## ARRESTING OFFICER(S):

			Beat
1st Arresting Officer:	#4121	FELMON, T J (PC0F159)	2211
2nd Arresting Officer:	#4080	DEVINE, M K (PC0M180)	2211

## APPROVING SUPERVISOR:

Approval of Probable Cause : #1171 LONG, C J (PC0I126) 17 FEB 2014 20:15

3-9

## Chicago Police Department - ARREST Report

CB #: 18838176

DEWAR, David

## ARREST PROCESSING REPORT

Holding Facility: District 022 Lockup  
 Received in Lockup: 17 February 2014 20:28  
 Prints Taken: 17 February 2014 20:30  
 Palmprints Taken: Yes  
 Photograph Taken: 17 February 2014 20:36  
 Released from Lockup:

Time Last Fed:  
 Time Called: 17 February 2014 20:39 Phone#: 7734455340  
 Cell #: 07  
 Transport Details : 1PO 2211 17-FEB-2014 19:05

## VISUAL CHECK OF ARRESTEE

Is there obvious pain or injury? No  
 Is there obvious signs of infection? No  
 Under the influence of alcohol/drugs? No  
 Signs of alcohol/drug withdrawal? No  
 Appears to be despondent? No  
 Appears to be irrational? No  
 Carrying medication? No

## ARRESTEE QUESTIONNAIRE

Presently taking medication? No  
 (if female)are you pregnant? No  
 First time ever been arrested? No  
 Attempted suicide/serious harm? No  
 Serious medical or mental problems? No  
 Are you receiving treatment? No  
 Transgender/Intersex/gender non-conforming? No

## RETURN TO HOLDING FACILITY COMMENTS:

## QUESTIONNAIRE REMARKS:

## LOCKUP-KEEPER COMMENTS:

## EMERGENCY CONTACT

Name : REFUSED

Res:

Beat:

NO INTERVIEWS LOGGED

NO VISITORS LOGGED

Page 9 of 12



183-10

## Chicago Police Department - ARREST Report

CB #: 18838176

DEWAR, David

## ARREST PROCESSING REPORT

MOVEMENT LOG

MOVEMENT LOG INFORMATION NOT AVAILABLE

WC COMMENTS

Watch Commander Comments:

REL w/o CHARGING

DOES NOT APPLY TO THIS ARREST

PROCESSING PERSONNEL

## ARRESTEE PROCESSING PERSONNEL:

Beat

Searched By: HOUSTON, D M (PC0AF41)  
Lockup Keeper: HOUSTON, D M (PC0AF41)  
Fingerprinted By: HOUSTON, D M (COC246879)

## APPROVAL PERSONNEL:

Beat

Final Approval of Charges : #2133 ELLMAN, C E(PC0S917) 17 FEB 2014 23:17

Page 110.5/12

(C4) CLAIM #14 - 11PAGES

HW = YR 2013

CHICAGO POLICE DEPARTMENT  
ORIGINAL CASE INCIDENT REPORT3510 S. Michigan Avenue, Chicago, Illinois 60653  
(For use by Chicago Police Department Personnel Only)  
CPD-11 388(6/03)-C)

RD #: HW154717

EVENT #: 1304403568

Case ID: 9007195 CASR229

## CLOSED NON-CRIMINAL

INCIDENT

IUCR: 5071 - Non-Criminal - Found Property

Occurrence 2217 N Keeler Ave

Beat: 2525

Unit Assigned: 2525

Location: Chicago IL

RO Arrival Date: 13 February 2013 08:40

291 - Residential Yard (Front/Back)

Occurrence Date: 13 February 2013 08:20

## PERSON DISCOVERING - Individual

NON OFFENDER

Name: MORALES, Marvin

## Demographics

Res: 2217 N Keeler Ave  
Chicago IL

Beat: 2525

Male

DOB: [REDACTED]

White Hispanic

Age: 24 Years

5'09

Birth Place: Illinois

140 lbs

DLN: [REDACTED] - IL

Beat: 5100

Brown Eyes

Brown Hair

Short Hair Style

Olive Complexion

DOMESTIC INFO

## Lost and Found

Owner Notified? Yes

Notification to victim made by Owner Was On Scene

## Miscellaneous

Victim Information Provided

Flash Message Sent ? No

OTHER

## Firearm #1

Possessor/User: UNKNOWN

Type: Toy Gun

Duty Related: No

Make: Carl Walther --Ge-- (Armee-Pistol)

Model: Ppk/S Bb

Taken/Stolen? No

Serial #: 6F09446

Owner Known? Yes

Caliber/Gauge: Caliber

Owner: Unknown

Displayed? No

Barrel Length: 3

Used? No

Feature: Black

Recovered? No

Registration Status: Other

Inventory #: 12831431

RD #: HW154717

FIREARMS

Location Found: Residential Backyard



HW-4R2013

Chicago Police Department - Incident Report

RD #: HW154717

NARRATIVE

IN SUMMARY, MARVIN MORALES (FINDER) CONTACTED THE POLICE WHEN HE EXITED HIS GARAGE AND VIEWED A FIREARM LAYING ON THE GROUND IN HIS YARD. R/O ARRIVED ON SCENE AND OBSERVED THE FIREARM AS BEING A PELLET GUN. R/O RELOCATED TO 025 AND INVENTORIED THE WEAPON UNDER INVENTORY #12831431

PERSONNEL

	Star No	Emp No	Name	User	Date	Unit	Beat
Reporting Officer	3526	#28800	PEREZ, Virginia	(PC0S813)	13 Feb 2013 09:50	025	2525

4-3



DEPARTMENT OF LAW  
CITY OF CHICAGO

April 19, 2018

**Via pre-paid United States Postal Service and Electronic Service**

Mr. David A. Dewar  
11347 S. Millard Ave.  
Chicago, IL 60655

Re: *Dewar v. Felmon, et al.*, 16 CV 2287

Dear Mr. Dewar:

Please find Defendants' supplemental discovery bate stamped FCRL 000111-112.

Please note that all documents are double-sided to conserve paper.

Sincerely,

  
KELLY C. BAUER  
ASSISTANT CORPORATION COUNSEL  
City of Chicago Department of Law  
Federal Civil Rights Litigation Division  
30 N. LaSalle St., Suite 900  
Chicago, IL 60602  
(312) 742-9586  
[Kelly.bauer@cityofchicago.org](mailto:Kelly.bauer@cityofchicago.org)



Dewar, 16 cv 2287

Kelly Bauer <Kelly.Bauer@cityofchicago.org>

Thu 4/19/2018 4:38 PM

To: david <ddewar05@hotmail.com>;

Cc: Kristin Pinkston <Kristin.Pinkston@cityofchicago.org>;

📎 2 attachments (628 KB)

4.19.18 Letter to PI w discovery.pdf; (FCRL000111-000112) Case Incident Report-Original HW154717 (2018, 02-09).pdf.pdf;

Mr. Dewar,

In response to the Court's April 16<sup>th</sup> order, please find supplemental discovery and corresponding cover letter attached, which has also been mailed via U.S.P.S.

Sincerely,

Kelly C. Bauer

Assistant Corporation Counsel

City of Chicago Department of Law

Federal Civil Rights Litigation Division

30 N. LaSalle St., Suite 900

Chicago, IL 60602

(312) 742-9586

(312) 744-6566 (FAX)

Kelly.bauer@cityofchicago.org

---

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# CHICAGO POLICE DEPARTMENT ORIGINAL CASE INCIDENT REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653  
(For use by Chicago Police Department Personnel Only)  
CPD-11.386(6/03)-C)

**HX: 2014-154717**

RD #: **HX154717**

EVENT #: **1404811677**

Case ID: 9499304 CASR229

## CLEARED CLOSED (ARREST AND PROSECUTION)

**INCIDENT** IUCR: 0560 - Assault - Simple  
Occurrence Location: 11343 S Millard Ave  
Chicago IL 60655  
290 - Residence  
Beat: 2211 Unit Assigned: 2211  
RO Arrival Date: 17 February 2014 19:00  
Occurrence Date: 17 February 2014 18:50 # Offenders: 1

## VICTIM - Individual

**NON OFFENDER** Name: HOSTY, William  
Res: 11419 S Millard Ave  
Chicago IL  
Beat: 2211  
Demographics  
Male  
White  
Age: 62 Years  
Retired  
Sobriety: Sober

## Other Communications and Availability

Cellular  
Phone:

## Suspect # 1

**SUSPECTS** Name: DEWAR, David A  
Res: 11347 S Millard Ave  
Chicago IL 60655  
Beat: 2211  
Empl: Tax Free Retirement Solutions  
Financial Advisor  
Demographics  
Male  
White  
6'03,  
230 lbs  
Brown Eyes  
Brown Hair  
Bald Hair Style  
Medium Complexion  
DOB: 20 October 1964  
Age: 49 years  
Birth Place: IL  
DLN: D60016164299 - IL

## Other Communications and Availability

## RELATIONSHIP

(Victim)  
HOSTY, William  
is a Neighbors of  
(Offender)  
DEWAR, David, A

RELATIONSHIP

DOMESTIC INFO

RD #: HX154717



HX= 2014154717  
RD #: HX154717

## Chicago Police Department - Incident Report

OTHER	Miscellaneous	Flash Message Sent ? No
	Victim Information Provided	

**NARRATIVE**

VENT # 11677/ IN SUMMARY: R/O'S RESPONDED TO A NEIGHBOR DISTURBANCE AT ABOVE LOCATION. UPON ARRIVAL, R/O'S MET WITH WILLIAM HOSTY (VICTIM) WHO RELATED HE WAS INVOLVED IN A VERBAL ALTERCATION WITH DAVID DEWAR(OFFENDER) OVER SNOW BEING BLOWN ONTO OFFENDER'S PROPERTY WINDOWS BY A SNOW BLOWER USED BY VICTIM. OFFENDER STATED "I'M GONNA GIVE YOU AN ASS KICKING",THUS CAUSING VICTIM TO BE IN REASONABLE FEAR OF RECEIVING A BATTERY. OFFENDER PLACED UNDER ARREST ON SIGNED COMPLAINTS, READ MIRANDA AND TRANSPORTED INTO THE 022ND.DIST. FOR FURTHER PROCESSING. CHARGES: ASSAULT : 720ILCS 5.0 /12-1-A  
COURT: BRANCH 35-5 / 25 MAR 14.  
- STAR#: 4121 NAME: TIMOTHY FELMON BEAT: 2211  
- STAR#: 4080 NAME: MICHAEL DEVINE BEAT: 2211

7:59 p.m.

**PERSONNEL**

	Star No	Emp No	Name	User	Date	Unit	Beat
Approving Supervisor	2413	#9306	BLUM, Laura, L	(PC0N912)	17 Feb 2014 19:59	022	
Reporting Officer	4121	#15457	FELMON, Timothy, J	(PC0F159)	17 Feb 2014 19:56	022	2211

**ALPHA PREFIX FOR RD RECORDS**

1962 - A	1979 - A	1996 - A	2013 - HW
1963 - B	1980 - B	1997 - B	2014 - HX
1964 - C	1981 - C	1998 - C	2015 - HY
1965 - D	1982 - D	1999 - D	2016 - HZ
1966 - E	1983 - E	2000 - F	2017 - JA
1967 - F	1984 - F	2001 - G	
1968 - G	1985 - G	2002 - HH	
1969 - H	1986 - H	2003 - HJ	
1970 - J	1987 - J	2004 - HK	
1971 - K	1988 - K	2005 - HL	
1972 - M	1989 - M	2006 - HM	
1973 - N	1990 - N	2007 - HN	
1974 - P	1991 - P	2008 - HP	
1975 - T	1992 - T	2009 - HR	
1976 - X	1993 - X	2010 - HS	
1977 - Y	1994 - Y	2011 - HT	
1978 - Z	1995 - Z	2012 - HV	

24-7



CHICAGO POLICE DEPARTMENT  
**ARREST REPORT**3510 S. Michigan Avenue, Chicago, Illinois 60653  
(For use by Chicago Police Department Personnel Only)  
CPD-11. 420C (REV. 6/30)

FINAL APPROVAL

HW = (Year 2013) ←

CB #:	18838176
IR #:	1475483
YD #:	
RD #:	HW154717
EVENT #:	1304403568

## ARREST REPORTING

OFFENDER

Name: DEWAR, David

Res: 11347 S Millard Ave  
Chicago, IL 60655Empl: Tax Free Retirement Solutions  
Financial Advisor

DOB: 20 October 1964

AGE: 49 years

POB: Illinois

ARMED WITH Unarmed

Beat: 2211

Male

White

6' 03"

230 lbs

Brown Eyes

Unknown Hair

Bald Hair Style

Fair Complexion



INCIDENT

Arrest Date: 17 February 2014 19:00

Location: 11343 S Millard Ave  
Chicago, IL 60655  
304 - Street

Holding Facility: District 022 Lockup

Resisted Arrest? No

TRR Completed? No  
Beat: 2211

Total No Arrested: 1

Co-Arrests

Assoc Cases

DCFS Ward ? No

Dependent Children? No

CHARGES

1 Offense As Cited 720 ILCS 5.0/12-1-A  
ASSAULT - SIMPLE  
Class C - Type M

Victim

Hosty, William

aw  
25 MAR

RECOVERED  
NARCOTICS

NO NARCOTICS RECOVERED

FILE 5  
FEB 24 2014

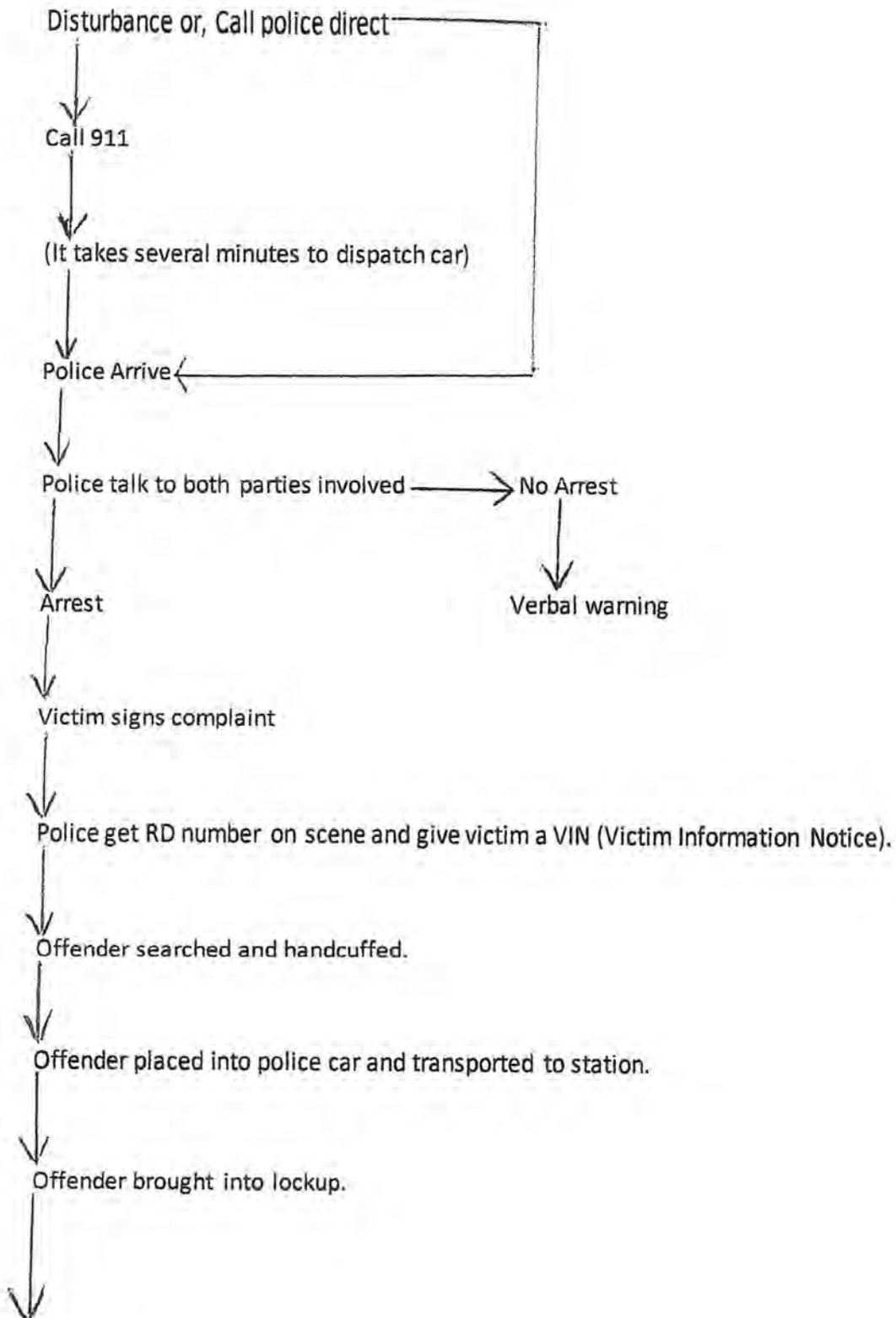
WARRANT

NO WARRANT IDENTIFIED

14194709

Exhibit 1 / page 6 of 12

**FLOW CHART OF CHICAGO POLICE DEPARTMENT OFFENDER ARREST TO RELEASE**  
**PROCEDURAL STEPS**





4-10

2,

↓  
Officers take personal property of value from offender (Bag #1) and non-value (Bag #2).

↓  
Police finish case incident report and complaint and fill out arrest report.

↓  
Inventories are done, if any, through (E-Track).

[Offender given his copy of inventory receipt while still in lock up. This and all property of value like personal cell phone, etc. This is a computerized printout of a E-Track inventory receipt.]

↓  
Desk sergeant approves case report and arrest report.

↓  
Watch commander approves arrest report.

↓  
Offender removed from lock up for picture taken, fingerprinted and receives personal property receipt (non-value items).

↓  
Offender in lock up waiting for fingerprints to clear.

↓  
Desk sergeant gives I-Bond, D-Bond or cash bond required or they go to court.

↓  
Offender signs bond and then signs (E-Track inventory items of value on a tablet/pad for E-Track) and given property from lock up in unsealed, Evidence-Property Envelope (Bag #1) and offender signs for personal property receipt (Items of non-value) and given items from lock up in a clear sealed bag (Bag #2).

↓  
Offender free to go and leave police station.



C4-11

3.

NOTE: Personal property items of value that are put in the unsealed Evidence-Property Envelope (Bag #1) are then put in a holding cabinet or safe until the offender is released and given to them once they sign for it through the E-Track Inventory system.

NOTE: Regardless if the offender has their arrest expunged from their records, the E-Track Inventory system will still maintain those records.



[illegible]

CLAM #5-12601 3.25

\_\_\_\_\_

CB/DCN: 018838176 IR: 1475483 BRANCH 35  
COURT DATE: 03/25/2014 ROOM: 7135 TIME: 2:30  
BOND NO:                      \$:

[illegible]

14  
1  
1  
9  
4  
7  
0  
9  
0  
1

Exhibit 1  
(12 pages)

First Municipal District - Criminal  
Clerk of the Circuit Court

E: 14119470901 S (START OF CASE  
FENDANT NAME: DAVID DEWAR  
ERAL INFORMATION  
B: 018838176 IR: 1475483 SID:

PAGE: 001 OF 001  
LST APPEAL:

CS-2

FBI:

RD: HW154717

HW= YEAR 2013

DESCRIPTION  
ASSAULT - SIMPLE

RGE INFORMATION

A TYPE CLASS CHAPTER/SECTION  
M 720-5/12-1-A

POSITION INFORMATION

I10000001

2414-  
ND SET BY RULE OF COURT  
ANCH 35 RM 2

032514  
0230 PM

7135

D OF FILE

TER=CONT PF3=RETN PF7=BKW PF8=FRW PF9=APPL PF10=RESET PF12=PRINT CLEAR=EXIT  
PRINT PAGES PAGE: 001 THRU 001 DESTINATION



## CHICAGO POLICE DEPARTMENT

## ARREST REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653

(For use by Chicago Police Department Personnel Only)

CPD-11.420C (REV. 6/30)

## FINAL APPROVAL

HW = (Year 2013)

CB #: 18838176

IR #: 1475483

YD #:

RD #: HW154717

EVENT #: 1304403568

## ARREST REPORTING

Name: DEWAR, David

Res: 11347 S Millard Ave  
Chicago, IL 60655

Beat: 2211

Male

White

6' 03"

230 lbs

Brown Eyes

Unknown Hair

Bald Hair Style

Fair Complexion



Empl: Tax Free Retirement Solutions

Financial Advisor

DOB: 20 October 1964

AGE: 49 years

POB: Illinois

ARMED WITH Unarmed

Arrest Date: 17 February 2014 19:00

Location: 11343 S Millard Ave

Chicago, IL 60655

304 - Street

Holding Facility: District 022 Lockup

Resisted Arrest? No

TRR Completed? No

Beat: 2211

Total No Arrested: 1

Co-Arrests

Assoc Cases

DCFS Ward? No

Dependent Children? No

Offense As Cited 720 ILCS 5.0/12-1-A  
ASSAULT - SIMPLE  
Class C - Type M

Victim

Hosty, William

aw  
25 MAR

NO NARCOTICS RECOVERED

FILE 5  
168242014CHICAGO POLICE  
14194709

NO WARRANT IDENTIFIED

Exhibit 2 / Page 6 of 12



HW = YR 2013

C5-4

CHICAGO POLICE DEPARTMENT  
ORIGINAL CASE INCIDENT REPORT3510 S. Michigan Avenue, Chicago, Illinois 60653  
(For use by Chicago Police Department Personnel Only)  
CPD-11 388(6/03)-C

RD #: HW154717

EVENT #: 1304403568

Case ID: 9007195 CASR229

INCIDENT	<b>CLOSED NON-CRIMINAL</b>		
	IUCR: 5071 - Non-Criminal - Found Property		
	Occurrence	2217 N Keeler Ave	Beat: 2525
	Location:	Chicago IL	Unit Assigned: 2525
		291 - Residential Yard (Front/Back)	RO Arrival Date: 13 February 2013 08:40
	Occurrence Date: 13 February 2013 08:20		

NON OFFENDER	<b>PERSON DISCOVERING - Individual</b>			
	Name: MORALES, Marvin		Demographics	
	Res: 2217 N Keeler Ave	Beat: 2525	Male	DOB: [REDACTED]
	Chicago IL		White Hispanic	Age: 24 Years
		Beat: 5100	5'09,	Birth Place: Illinois
			140 lbs	DLN: [REDACTED] - IL
			Brown Eyes	
			Brown Hair	
			Short Hair Style	
			Olive Complexion	

DOMESTIC INFO	[REDACTED]	
	[REDACTED]	

OTHER	Lost and Found	
	Owner Notified? Yes	
	Notification to victim made by Owner Was On Scene	
	Miscellaneous	
	Victim Information Provided	Flash Message Sent ? No

FIREARMS	Firearm #1		Possessor/User: UNKNOWN	
	Type:	Toy Gun	Duty Related:	No
	Make:	Carl Walther --Ge-- (Armee-Pistol)	Model:	Ppk/S Bb
	Serial #:	6F09446	Owner Known?	Yes
	Caliber/Gauge:	Caliber	Owner:	Unknown
	Barrel Length:	3	Displayed?	No
	Feature:	Black	Used?	No
			Recovered?	No
			Registration Status:	Other
			Inventory #:	12831431
	Location	Residential Backyard		
	Found:			

RD #: HW154717

HW- YR 2013

## Chicago Police Department - Incident Report

RD #: HW154717

NARRATIVE  
PERSONNEL

IN SUMMARY, MARVIN MORALES (FINDER) CONTACTED THE POLICE WHEN HE EXITED HIS GARAGE AND VIEWED A FIREARM LAYING ON THE GROUND IN HIS YARD. R/O ARRIVED ON SCENE AND OBSERVED THE FIREARM AS BEING A PELLET GUN. R/O RELOCATED TO 025 AND INVENTORIED THE WEAPON UNDER INVENTORY #12831431.

	Star No	Emp No	Name	User	Date	Unit	Beat
Reporting Officer	3526	#28800	PEREZ, Virginia	(PC0S813)	13 Feb 2013 09:50	025	2525



# CHICAGO POLICE DEPARTMENT ORIGINAL CASE INCIDENT REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653  
(For use by Chicago Police Department Personnel Only)  
CPD-11.385(6/03)-C

RD #: HX154717

EVENT #: 1404811677

Case ID: 9499504 CASR229

## CLEARED CLOSED (ARREST AND PROSECUTION)

**INCIDENT**  
IUCR: 0560 - Assault - Simple  
Occurrence: 11343 S Millard Ave Beat: 2211 Unit Assigned: 2211  
Location: Chicago IL 60655 RO Arrival Date: 17 February 2014 19:00  
290 - Residence # Offenders: 1  
Occurrence Date: 17 February 2014 18:50

## VICTIM - Individual

**NON OFFENDER**  
Name: HOSTY, William Demographics  
Res: 11419 S Millard Ave Beat: 2211 Male Age: 62 Years  
Chicago IL White  
Beat: 5100  
Retired  
Sobriety: Sober  
Other Communications and Availability  
Cellular  
Phone:

## Suspect # 1

## In Custody

**SUSPECTS**  
Name: DEWAR, David A Demographics  
Res: 11347 S Millard Ave Beat: 2211 Male DOB: 20 October 1964  
Chicago IL 60655 White Age: 49 years  
6'03, Birth Place: IL  
Empl: Tax Free Retirement Solutions 230 lbs DLN: D60016164299 - IL  
Financial Advisor Brown Eyes  
Brown Hair  
Bald Hair Style  
Medium Complexion

## Other Communications and Availability

## RELATIONSHIP

**RELATIONSHIP**  
(Victim) (Offender)  
HOSTY, William is a Neighbors of DEWAR, David, A

## DOMESTIC INFO

RD #: HX154717

Print Generated By: RUTLEDGE, REGIN (PC0T286)

Page 1 of 2

19-MAY-2016 14:28

Dewar 16 C 02287

FCRL 000013



HX: 2014154717  
RD #: HX154717

## Chicago Police Department - Incident Report

OTHER	Miscellaneous	Flash Message Sent ? No																								
	Victim Information Provided																									
NARRATIVE	<p>VENT # 11677/ IN SUMMARY: R/O'S RESPONDED TO A NEIGHBOR DISTURBANCE AT ABOVE LOCATION. UPON ARRIVAL, R/O'S MET WITH WILLIAM HOSTY (VICTIM) WHO RELATED HE WAS INVOLVED IN A VERBAL ALTERCATION WITH DAVID DEWAR(OFFENDER) OVER SNOW BEING BLOWN ONTO OFFENDER'S PROPERTY WINDOWS BY A SNOW BLOWER USED BY VICTIM. OFFENDER STATED "I'M GONNA GIVE YOU AN ASS KICKING",THUS CAUSING VICTIM TO BE IN REASONABLE FEAR OF RECEIVING A BATTERY. OFFENDER PLACED UNDER ARREST ON SIGNED COMPLAINTS, READ MIRANDA AND TRANSPORTED INTO THE 022ND.DIST. FOR FURTHER PROCESSING. CHARGES: ASSAULT : 720ILCS 5.0 /12-1-A COURT: BRANCH 35-5 / 25 MAR 14.</p> <p>- STAR#: 4121 NAME: TIMOTHY FELMON BEAT: 2211</p> <p>- STAR#: 4080 NAME: MICHAEL DEVINE BEAT: 2211</p> <p style="text-align: right;">7:59 p.m.</p>																									
PERSONNEL	<table border="1"> <thead> <tr> <th></th> <th>Star No</th> <th>Emp No</th> <th>Name</th> <th>User</th> <th>Date</th> <th>Unit</th> <th>Beat</th> </tr> </thead> <tbody> <tr> <td>Approving Supervisor</td> <td>2413</td> <td>#9306</td> <td>BLUM, Laura, L</td> <td>(PC0N912)</td> <td>17 Feb 2014 19:59</td> <td>022</td> <td></td> </tr> <tr> <td>Reporting Officer</td> <td>4121</td> <td>#15457</td> <td>FELMON, Timothy, J</td> <td>(PC0F159)</td> <td>17 Feb 2014 19:56</td> <td>022</td> <td>2211</td> </tr> </tbody> </table>		Star No	Emp No	Name	User	Date	Unit	Beat	Approving Supervisor	2413	#9306	BLUM, Laura, L	(PC0N912)	17 Feb 2014 19:59	022		Reporting Officer	4121	#15457	FELMON, Timothy, J	(PC0F159)	17 Feb 2014 19:56	022	2211	
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Reporting Officer	4121	#15457	FELMON, Timothy, J	(PC0F159)	17 Feb 2014 19:56	022	2211																			

ALPHA PREFIX FOR RD RECORDS

C58

1962 - A	1979 - A	1996 - A	2013 - HW
1963 - B	1980 - B	1997 - B	2014 - HX
1964 - C	1981 - C	1998 - C	2015 - HY
1965 - D	1982 - D	1999 - D	2016 - HZ
1966 - E	1983 - E	2000 - F	2017 - JA
1967 - F	1984 - F	2001 - G	
1968 - G	1985 - G	2002 - HH	
1969 - H	1986 - H	2003 - HJ	
1970 - I	1987 - I	2004 - HK	
1971 - K	1988 - K	2005 - HL	
1972 - M	1989 - M	2006 - HM	
1973 - N	1990 - N	2007 - HN	
1974 - P	1991 - P	2008 - HP	
1975 - T	1992 - T	2009 - HR	
1976 - X	1993 - X	2010 - HS	
1977 - Y	1994 - Y	2011 - HT	
1978 - Z	1995 - Z	2012 - HV	



**CPD CERTIFICATION OF RECORD SEARCH**  
CHICAGO POLICE DEPARTMENT

Date of Request

15 March 2018

Requested Date &amp; Time of Visit

ASAP

**REQUEST SECTION**

I, Tiffany Barefield

am an employee of City of Chicago ("City"), Department of Law,

(Attorney: Print Name)

Federal Civil Rights Litigation Division, and I am representing the City in the below-specified case. Pursuant to Chicago Police Department General Order 09-03, entitled "City of Chicago Law Department Access to Department Facilities to Inspect and Copy Records," I am requesting access to review and copy the records listed below.

The request is related to the matter of Case Name/Number David Dewar v City, 16C2287 RD#

CB# 18838176 Other (See attached Department of Law Memorandum).

NO.	RECORD	UNIT/BUREAU NAME	UNIT NO.	WARE HOUSED
1	Arrestee Property Log & Personal Property Receipt- 2/17/14, Daniel Dewar	22nd district	022	<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>

Name of Law Department Personnel who will review and copy the requested record(s): Tiffany Barefield

**CERTIFICATION SECTION**

I, Sgt Anne Lewis state that I am an employee of the Chicago Police Department with the title/rank/position of

SERGEANT

and that I am assigned to or work in the Bureau

OF PATROL

Unit Name 22ND DISTRICT and Unit No. 022

I conducted a thorough good-faith search for the records that are responsive to the above request(s) on 15 MAR 18/900  
The results of the search are as follows: (Date & Time of Search)

A. I located the following records and made them available to the City of Chicago  
Department of Law Employee: TIFFANY BAREFIELD for inspection/copying:

- 1) PERSONAL PROPERTY RECEIPT 2/17/14 - DEWAR  
2) ARRESTEE PROPERTY LOG 2/17/14 - DEWAR

3)

4)

AND/OR

B. Based on the information provided, I was unable to locate the following records:

1)

2)

3)

4)

☐ YES ☒ NO

Records were destroyed pursuant to an approved Records Retention Schedule and Disposal Certificate (See attached Certificate of Disposal).

I certify to the best of my knowledge that the information contained in the foregoing is true and correct.

Witness:  
(Signature)

(Department of Law Personnel)

Signature:

(Chicago Police Department Member)

Witness:  
(Print)

(Department of Law Personnel)

Print:

(Chicago Police Department Member)

Date Executed: 16 MAR 18

CPD-12.132 (5/16)

Dewar, 16 C 2287

FCRL 000108



## CHICAGO POLICE DEPARTMENT

## ARREST REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653

(For use by Chicago Police Department Personnel Only)  
CPD-11. 420C (REV. 6/30)

FINAL APPROVAL

HW = (4 Feb 2015)

CB #: 18838176

IR #: 1475483

YD #:

RD #: HW154717

EVENT #: 1304403568

## ARREST REPORTING

OFFENDER

Name: DEWAR, David

Res: 11347 S Millard Ave  
Chicago, IL 60655Empl: Tax Free Retirement Solutions  
Financial Advisor

DOB: 20 October 1964

AGE: 49 years

POB: Illinois

ARMED WITH Unarmed

Beat: 2211

Male

White

6' 03"

230 lbs

Brown Eyes

Unknown Hair

Bald Hair Style

Fair Complexion



INCIDENT

Arrest Date: 17 February 2014 19:00

Location: 11343 S Millard Ave  
Chicago, IL 60655  
304 - Street

Holding Facility: District 022 Lockup

Resisted Arrest? No

TRR Completed? No

Beat: 2211

Total No Arrested: 1

Co-Arrests

Assoc Cases

DCFS Ward ? No

Dependent Children? No

CHARGES

Offense As Cited 720 ILCS 5.0/12-1-A  
ASSAULT - SIMPLE  
Class C - Type M

Victim

Hosty, William

aw  
25 MARRECOVERED  
NARCOTICS

NO NARCOTICS RECOVERED

FILE 5

FEB 24 2014

POLICE PROVEN

WARRANT

NO WARRANT IDENTIFIED

141592709

Exhibit 1 / Page 6 of 12

# ARRESTEE PROPERTY LOG

## CHICAGO POLICE DEPARTMENT

Unit: 022 Date: 16 FEB 14

C.B. No.	Name of Arrestee (Last, First)	Property Receipt No.	Returned to Arrestee To Transferred to Court (Inventory added in Retract)	Date
1	3RD WATCH	16 FEB 14		
2	1st Watch	17 FEB 14		
3	1883776 McClellan, Edward	2019930	T	
4	18837531 Rodgers, Dwight	2019931		
5	3RD WATCH	17 FEB 14		
6	18838144 MINLEY, KUAN	2019932	R	17 FEB 14
7	18838131 BAILEY, EDWARD	2019933		
8	18838158 BRADFORD STANLEY	2019934		
9	18838176 DEWAR, DAVID	2019935		
10	1st Watch	18 FEB 2014		
11	18838189 JENNINGS	2019936		
12	18838342 BURNS	2019937		
13	18838342 DEAN, DAN	2019938		
14	3RD WATCH	18 FEB 2014		
15	1st Watch	19 FEB 2014		
16	18838846 WILLIAMS	2019939	T	
17	18838887 PEOPLE	2019940		
18	18838917 WILLIAMS	2019941	T	
19	18838955 WILLIAMS	2019942	T	
20	18838988 KENTON	2019943		
21	18839010 Davis, Robert	2019944		
22	18839124 SHERIFF	2019946	R	
23	18839042 PHILLIPS	2019947		
24				
25				

CPD 21.672 (B/07)

(3)

Dewar, 16 C 2287

FCRL 000109



PERSONAL PROPERTY RECEIPT  
CHICAGO POLICE DEPARTMENT

RECEIPT NO.  
P2019935

DATE RECEIVED

DISTRICT/UNIT NO.

THE FOLLOWING LISTED PROPERTY  
WAS TAKEN FROM THE PERSON OF:

NAME OF OWNER

OWNER'S ADDRESS

CITY C.B. NO.

TAKEN INTO CUSTODY BY—OFFICER(S) NAME(S) STAR NO.

QTY	ITEM	QTY	ITEM
CASH \$	1	1	1

LOCKUP KEEPER (SIGNATURE)

STAR NO.

DESK OFFICER (SIGNATURE)

STAR NO.

CPD-11.502 (Rev. 8/79)  
(SEE OTHER SIDE)

DETENTION FACILITY COPY

DO NOT DETACH THIS PERMANENT COPY FROM THE BOOK.

DATE PROPERTY RECEIVED

C.B. NO.

DESK OFFICER (SIGNATURE)

STAR NO.

BY

PROPERTY OWNER (SIGNATURE)

FROM

SHOW THIS RECEIPT NO. ON PROPERTY INVENTORY.

PROPERTY INVENTORY  
NO.

RECEIPT NO.

P2019935

CPD-11.502 (Rev. 8/79)  
(SEE OTHER SIDE)

OWNER'S RECEIPT COPY

TO REMOVE CARBON & DISCARD. 2. LEAVE SUFFICIENT IN BOOK.

PERSONAL PROPERTY RECEIPT  
CHICAGO POLICE DEPARTMENT

RECEIPT NO.  
P2019935

DATE RECEIVED

DISTRICT/UNIT NO.

17 FEB 14

022

THE FOLLOWING LISTED PROPERTY  
WAS TAKEN FROM THE PERSON OF:

NAME OF OWNER

OWNER'S ADDRESS

CITY C.B. NO.

11347 S. MILLAR

18838176

TAKEN INTO CUSTODY BY—OFFICER(S) NAME(S)

FELMON

4121

QTY	ITEM	QTY	ITEM
CASH \$	1	1	STRING
1	BELT		
1	PAIR OF SHOES		

LOCKUP KEEPER (SIGNATURE)

STAR NO.

CPD-11.502 (Rev. 8/79)  
(SEE OTHER SIDE)

OWNER'S RECEIPT COPY

DATE PROPERTY RECEIVED

C.B. NO.

17 FEB 14

18838176

DESK OFFICER (SIGNATURE)

STAR NO.

BY

PROPERTY OWNER (SIGNATURE)

FROM

ATTACH THIS LOWER PORTION TO THE PROPERTY ENVELOPE.

OFFICER'S RECEIPT

RECEIPT NO.

P2019935

Dewar, 16 C 2287

FCRL 000110



Page 6

UNIT NO.		PROP. INVENTORY NO.		DATE RECEIVED		MANNER RECEIVED		STAR NO.		STAR NO. E & R#1 RECEIVING OFFICER		CONTENTS - DESCRIBE	
						<input type="checkbox"/> MAIL <input type="checkbox"/> COUNTER <input type="checkbox"/> CRIME LAB		<input type="checkbox"/> OTHER DESCRIBE					
<div style="text-align: center;"><h1>DEWAR</h1><h2>DANIEL</h2><h3>CRH18838176</h3><h3>CELL #7</h3></div>													
DELIVERING OFFICER													
MOUNT													

EVIDENCE PROPERTY UNIT  
CHICAGO POLICE DEPARTMENT  
EVIDENCE & RECOVERED PROPERTY SECTION

5

CPD 34569-A





Daves Cell  
Phone  
not logged  
in

Evidence Property  
Envelope

- NO INVENTORY #

& NO E-TRACK.

INVENTORY  
#





## Chicago Police Department - ARREST Report

CB #: 18838176

DEWAR, David

## ARREST REPORTING

## VICTIM AND COMPLAINANT

Name: HOSTY, William

Res: [REDACTED]

Beat: 2211

Male

Injured? No

Deceased? No

White

DOB:

Hospitalized? No

Age: 61

Treated and Released No

Comments:

(C7) CLAIM # 7-7 pages

NO ARRESTEE VEHICLE INFORMATION ENTERED

## Confiscated Properties :

All confiscated properties are recorded in the e-Track System. This system can be queried by the inventory number to retrieve all official court documents related to evidence and/or recovered properties.

PROPERTIES INFORMATION FOR DEWAR, David, NOT AVAILABLE IN THE AUTOMATED ARREST SYSTEM.

**NO INVENTORY # & NO E-TRACK INVENTORY #**

(The facts for probable cause to arrest AND to substantiate the charges include, but are not limited to, the following)

EVENT # 11677 - IN SUMMARY - THIS IS AN ARREST BY BEAT 2211 . THE ABOVE SUBJECT WAS PLACED INTO CUSTODY ON SIGNED COMPLAINTS IN THAT , DURING A VERBAL ALTERCATION WITH THE VICTIM ( WILLIAM HOSTY ) , DAVID DEWAR STATED THAT HE WAS GOING TO " GIVE HIM AN ASS KICKING " which placed victim in fear . recieving a battery . R/OS PLACED SUBJECT INTO CUSTODY . READ MIRANDA . TRANSPORTED TO 022 DISTRICT FOR PROCESSING . NAME CHECK CLEAR WITH NO WARRANTS OR TWO DEGREES OF SEPERATION . COURT KE IS C . NO INVENTORIES . NO GANG AFFILIATION . NO GIP OR TRAPP . CLEAR LEADS .

Desired Court Date: 25 March 2014  
Branch: 35-5 727 E 111TH ST - Room  
Court Sgt Handle? Yes  
Initial Court Date: 25 March 2014  
Branch: 35-5 727 E 111TH ST - Room  
Docket #:

Bond Date: 17 February 2014 23:10  
Type: 10% Of Bond Paid  
Receipt #: D8333971  
Amount: \$1,200.00

Page 7 of 12

pg 6

DEWAR

DANIEL

CR#18838176

CELL #7

EVIDENCE PROPERTY ENVELOPE  
EVIDENCE RECEIVED PROPERTY CLERK  
CHICAGO POLICE DEPARTMENT





Dave's Cell  
Phone  
not logged  
in  
Evidence Property  
Envelope

6

Rule 38: Unlawful or unnecessary use or display of a weapon.

Rule 39: Failure to immediately make an oral report to the desk sergeant at the District of occurrence and to follow such oral report with a written report on the prescribed form, whenever a firearm is discharged by a member.

✓ Rule 40: Failure to inventory and process recovered property in conformance with Department orders. ✓

Rule 41: Disseminating, releasing, altering, defacing or removing any Department record or information concerning police matters except as provided by Department orders.

Rule 42: Participating in any partisan political campaign or activity.

Rule 43: Discussing bail with a person who is in custody except by those specifically authorized to let to bond.

Rule 44: Giving an opinion as to fine or penalty.

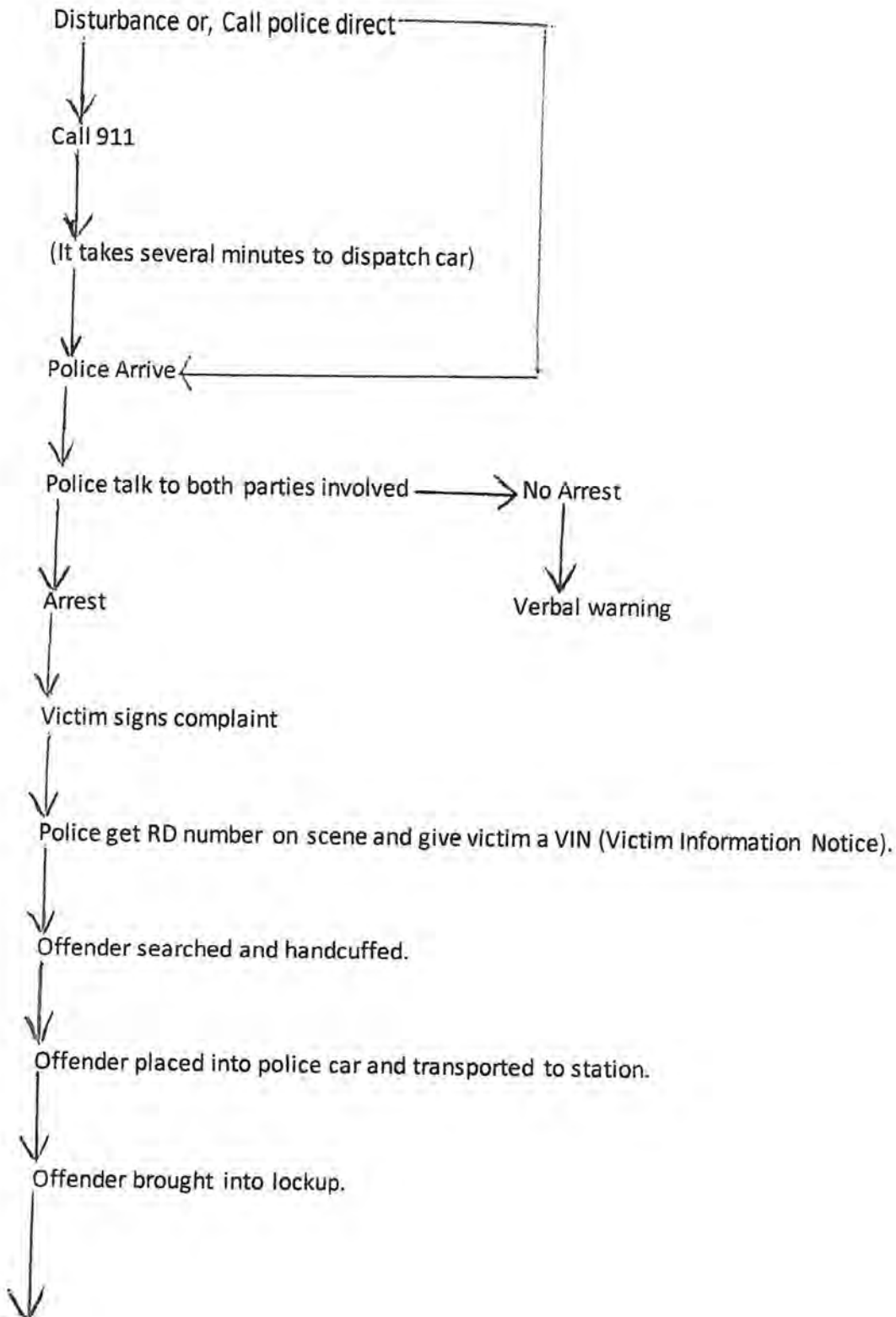
Rule 45: Recommending any professional or commercial service.

Rule 46: Advising any person engaged in a professional or commercial service that such professional or commercial services may be needed.

Rule 47: Associating or fraternizing with any person known to have been convicted of any felony or misdemeanor, either State or Federal, excluding traffic and municipal ordinance violations.



**FLOW CHART OF CHICAGO POLICE DEPARTMENT OFFENDER ARREST TO RELEASE**  
**PROCEDURAL STEPS**



↓  
Officers take personal property of value from offender (Bag #1) and non-value (Bag #2).

↓  
Police finish case incident report and complaint and fill out arrest report.

↓  
Inventories are done, if any, through (E-Track).

[Offender given his copy of inventory receipt while still in lock up. This and all property of value like personal cell phone, etc. This is a computerized printout of a E-Track inventory receipt.]

↓  
Desk sergeant approves case report and arrest report.

↓  
Watch commander approves arrest report.

↓  
Offender removed from lock up for picture taken, fingerprinted and receives personal property receipt (non-value items).

↓  
Offender in lock up waiting for fingerprints to clear.

↓  
Desk sergeant gives I-Bond, D-Bond or cash bond required or they go to court.

↓  
Offender signs bond and then signs (E-Track inventory items of value on a tablet/pad for E-Track) and given property from lock up in unsealed, Evidence-Property Envelope (Bag #1) and offender signs for personal property receipt (Items of non-value) and given items from lock up in a clear sealed bag (Bag #2).

↓  
Offender free to go and leave police station.



NOTE: Personal property items of value that are put in the unsealed Evidence-Property Envelope (Bag #1) are then put in a holding cabinet or safe until the offender is released and given to them once they sign for it through the E-Track Inventory system.

NOTE: Regardless if the offender has their arrest expunged from their records, the E-Track Inventory system will still maintain those records.

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

# UNITED STATES DISTRICT COURT

for the  
Northern District of Illinois

Dewar  
Plaintiff  
v.  
Felmon, Devine, Long & CPO  
Defendant

(c8) CLAIM #8 - 16 pages  
Civil Action No. 16 CV-2287

## SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: T-Mobile Corporate Headquarters  
8550 W. Bryn Mawr, Suite 100  
Chicago, Illinois, 60655

(Name of person to whom this subpoena is directed)

☒ Production: YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the materials. Provide list of all incoming & outgoing phone calls made on February 17, 2014 for T-Mobile Account Holder David A. Dewar at cell # 117081369-1153. Note that David A. Dewar is still currently a T-Mobile customer.

Place: David A. Dewar 11347 S. Millard Ave. Chicago, Illinois, 60655	Date and Time: September 8, 2017 at 2:00 p.m.
--	--

☐ Inspection of Premises: YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The following provisions of Fed. R. Civ. P. 45 are attached - Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: AUG - 4 2017

CLERK OF COURT

Patricia J.  
Signature of Clerk or Deputy Clerk

OR

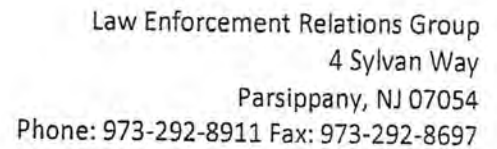
Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) \_\_\_\_\_, who issues or requests this subpoena, are:

### Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).





↓

五

6 Heather

CASE NAME	
CASE NUMBER	
	ARO
FAX NUMBER	
	1111111111

**ALL FEES ARE SUBJECT TO CHANGE**

Statement For: DAVID A. DEWAR  
 Mobile Number: (708) 369-1153  
 Account Number: 310653095

Customer Service Number 1-800-937-8997  
 Feb 19, 2014

PageA 12 of 25

2/17/14	Oak Lawn, IL	8:35 AM	708-499-5657	1	\$	-	\$	-	\$	-
2/17/14	Harvey, IL	8:39 AM	708-596-4444	3	\$	-	\$	-	\$	-
2/17/14	La Grange, IL	8:43 AM	708-238-5328	1	\$	-	\$	-	\$	-
2/17/14	La Grange, IL	8:59 AM	708-238-5328	8	\$	-	\$	-	\$	-
2/17/14	1-866 #	9:14 AM	866-607-6646	1	\$	-	\$	-	\$	-
2/17/14	1-800 #	2:24 PM	800-404-2956	12	\$	-	\$	-	\$	-
2/17/14	Chicago, IL	3:46 PM	773-316-1017	2	\$	-	\$	-	\$	-
2/17/14	Northbrook, IL	3:48 PM	630-302-9570 (A)	35	\$	-	\$	-	\$	-
2/17/14	Vm Retrieval	6:24 PM	123 (G)	1	\$	-	\$	-	\$	-
2/17/14	Chicago, IL	6:26 PM	312-745-0570	1	\$	-	\$	-	\$	-

Call Type: (A) Call Waiting (B) Call Forward (C) Conference Call (E) Data/Fax (F) Mobile2Mobile (G) Voicemail (H) Free Calls (I) Intl Disc Call  
 (J) Intl Disc Call to Mobile (K) WPS Call (M) AnyMobile (T) T-Mobile Number (U) HotSpt Call (V) myFaves Call (X) T-Mobile @Home Call



Customer Service Number 1-800-937-8997  
Feb 19, 2014

Statement For: DAVID A. DEWAR  
Mobile Number: (708) 369-1153  
Account Number: 310653095

Page A 14 of 25

2/17/14	La Grange, IL	7:09 AM	708-238-5328	Text	1			
2/17/14	La Grange, IL	7:09 AM	708-238-5328	Text	1	Outgoing	S	-
						Outgoing	S	-

Call Type: (A) Call Waiting (B) Call Forward (C) Conference Call (E) Data/Fax (F) Mobile2Mobile (G) Voicemail (H) Free Calls (I) Intl Disc Call  
(J) Intl Disc Call to Mobile (K) WPS Call (M) AnyMobile (T) T-Mobile Number (U) HotSpt Call (V) myFaves Call (X) T-Mobile @Home Call



Law Enforcement Relations Group  
4 Sylvan Way

Parsippany, NJ 07054

Phone: 973-292-8911 Fax: 973-292-8697

**Archive Records Objection - NGO**

Date: November 07, 2017

To: DAVID DEWAR  
From: Sean MacDonald  
Fax Number: 1111111111  
Comments:

Core Tracking Number: 1561825

Case Number: ARO

Case Name:

**T-MOBILE IS IN RECEIPT OF YOUR LEGAL DEMAND AND RESPONDS AS FOLLOWS:**

The legal demand seeks records that have been archived and are no longer easily accessible for production and delivery. T-Mobile hereby objects to the legal demand as it is over broad, unduly burdensome, does not permit adequate time for response and makes no provision for the pre-payment of the reasonable costs of production and delivery of the archived records.

Notwithstanding the foregoing objections, and without waiving same, T-Mobile will provide additional response if you agree to modify the terms of the legal demand as follows.

1. The legal demand is hereby modified to reflect that the requestor shall pre-pay T-Mobile for the reasonable costs of production and delivery of the archived records sought, as set forth in the attached invoice; and,
2. The return date for the delivery of archived records is hereby modified to the fifteenth business day following receipt by T-Mobile of payment of the fully completed subpoena confirmation form (attached).

The reasonable costs of production and delivery of the archived records sought are reflected in the attached invoice. Your payment of the attached invoice indicates your agreement to modify the subpoena/request for documents as set forth in paragraphs 1 and 2 herein. Submission of a revised legal demand is not required. Any and all non-archived records are included with this Invoice and objection. T-Mobile's objection pertains only to the request for archived records.

Attached hereto is an invoice which sets forth the reasonable costs incurred by T-Mobile to prepare a response to the legal demand for archived records. Please pay this invoice with a law firm check. This is the preferred method of payment. To pay by credit card, complete and submit the attached form, along with a copy of the invoice.

Records will be sent, via email or UPS ground service, on the fifteenth business day following receipt of the subpoena confirmation form.

Please take notice that T-Mobile does not store or maintain the content of text messages. If text message content has been requested, T-Mobile will produce text message billing details only.

Historical cell site location information is maintained for 24 months following usage and may not be available for the entire date range in this legal demand.

Call detail records on pre-paid telephone accounts are maintained for 24 months following usage and may not be available for the entire date range if this legal demand.

Please take further notice that pursuant to 47 CFR 64.1601, T-Mobile is prohibited from releasing information concerning the identity of callers who choose to block their identity except in conjunction with a narrow range of law enforcement request.

Archived call records associated with post paid accounts are stored and delivered in marked time. Archived text and data records associated with post paid accounts are stored and delivered in Pacific Time. Archived call, text and data records associated with Flex Pay or Family Mobile accounts are stored and delivered in market time.

All archived records will be delivered in PDF format and will have the appearance of traditional monthly billing invoices. Network data, including missed or unanswered calls are not available or included in archived records.





OFFICE OF EMERGENCY MANAGEMENT AND COMMUNICATIONS  
CITY OF CHICAGO

March 13, 2014

David Dewar - FA-14-0190  
Ddewar05@hotmail.com

RE: FOIA Request

Dear David Dewar,

On behalf of the Office of Emergency Management and Communications (OEMC), I am responding to your Freedom of Information (FOIA) request that our office received on March 10, 2014 were you requested the following information:

*"The audio and transcript of a call from February 17, 2014. The call was made from telephone number 708-369-1153 at 11347 S. Millard Ave"*

In response to your request the 911 audio and event query have been provided.

Sincerely,

A handwritten signature in black ink, appearing to read "Dionne Tate".

Dionne Tate  
Freedom of Information Officer  
Office of Emergency Management and Communications  
312-746-9424

Exhibit 2  
(16 Pages)

Customer Service Number: 1-800-937-8997  
Feb 19, 2014

LOCAL AIRTIME, LONG DISTANCE and INTERNATIONAL CHARGES (Continued)

Statement For: DAVID A. DEWAR  
Mobile Number: (708) 369-1153  
Account Number: 310653085

Page 111

Date	Destination	Time	Number	Call Type	Minutes	Airtime	Toll	Total
2/16/14	1-800 #	11:01 AM	800-244-2273		1	-	-	-
2/16/14	Chicago, IL	12:30 PM	773-445-5340		1	-	-	-
2/16/14	Palos Park, IL	3:01 PM	708-361-8610		2	-	-	-
2/16/14	1-800 #	3:28 PM	800-972-3030		1	-	-	-
2/16/14	1-800 #	3:30 PM	800-972-3030		1	-	-	-
2/16/14	Northbrook, IL	3:43 PM	630-302-9570		1	-	-	-
2/16/14	Chicago, IL	8:30 PM	773-445-5340		3	-	-	-
2/16/14	1-800 #	9:02 PM	800-244-2273		1	-	-	-
2/16/14	1-800 #	9:03 PM	800-972-3030		1	-	-	-
2/17/14	Oak Lawn, IL	8:35 AM	708-499-5857		1	-	-	-
2/17/14	Harvey, IL	8:39 AM	708-596-4444		3	-	-	-
2/17/14	La Grange, IL	8:43 AM	708-238-5328		1	-	-	-
2/17/14	La Grange, IL	8:59 AM	708-238-5328		8	-	-	-
2/17/14	1-866 #	9:14 AM	866-607-6646		1	-	-	-
2/17/14	1-800 #	2:24 PM	800-404-2856		12	-	-	-
2/17/14	Chicago, IL	3:46 PM	773-316-1017		2	-	-	-
2/17/14	Northbrook, IL	3:48 PM	630-302-9570		35	-	-	-
2/17/14	Vm Retrieval	6:24 PM	123	(A)	1	-	-	-
2/17/14	Chicago, IL	6:26 PM	312-745-0570	(G)	1	-	-	-
2/18/14	Lemont, IL	12:01 AM	630-257-0051	(A) 9:27 PM Deleted!	3	-	-	-
2/18/14	Chicago, IL	12:12 AM	773-445-5340		4	-	-	-
2/18/14	Chicago, IL	12:17 AM	773-865-3440		4	-	-	-
2/18/14	Chicago, IL	12:22 AM	773-445-5340		6	-	-	-
2/18/14	1-800 #	12:28 AM	800-244-2273		1	-	-	-
2/18/14	1-800 #	12:29 AM	800-972-3030		1	-	-	-
2/18/14	1-800 #	12:58 AM	800-972-3030		1	-	-	-
2/18/14	1-800 #	10:12 AM	800-244-2273		1	-	-	-
2/18/14	Midvale, UT	1:58 PM	801-985-4445		3	-	-	-
2/18/14	Jackson, MS	3:50 PM	601-358-3582		5	-	-	-
2/18/14	Oak Lawn, IL	4:07 PM	708-499-6300		15	-	-	-
2/18/14	Chicago, IL	4:27 PM	773-553-1400		2	-	-	-
2/18/14	Chicago, IL	4:29 PM	773-553-1400		8	-	-	-
SUBTOTAL					2,607	-	5.88	5.88

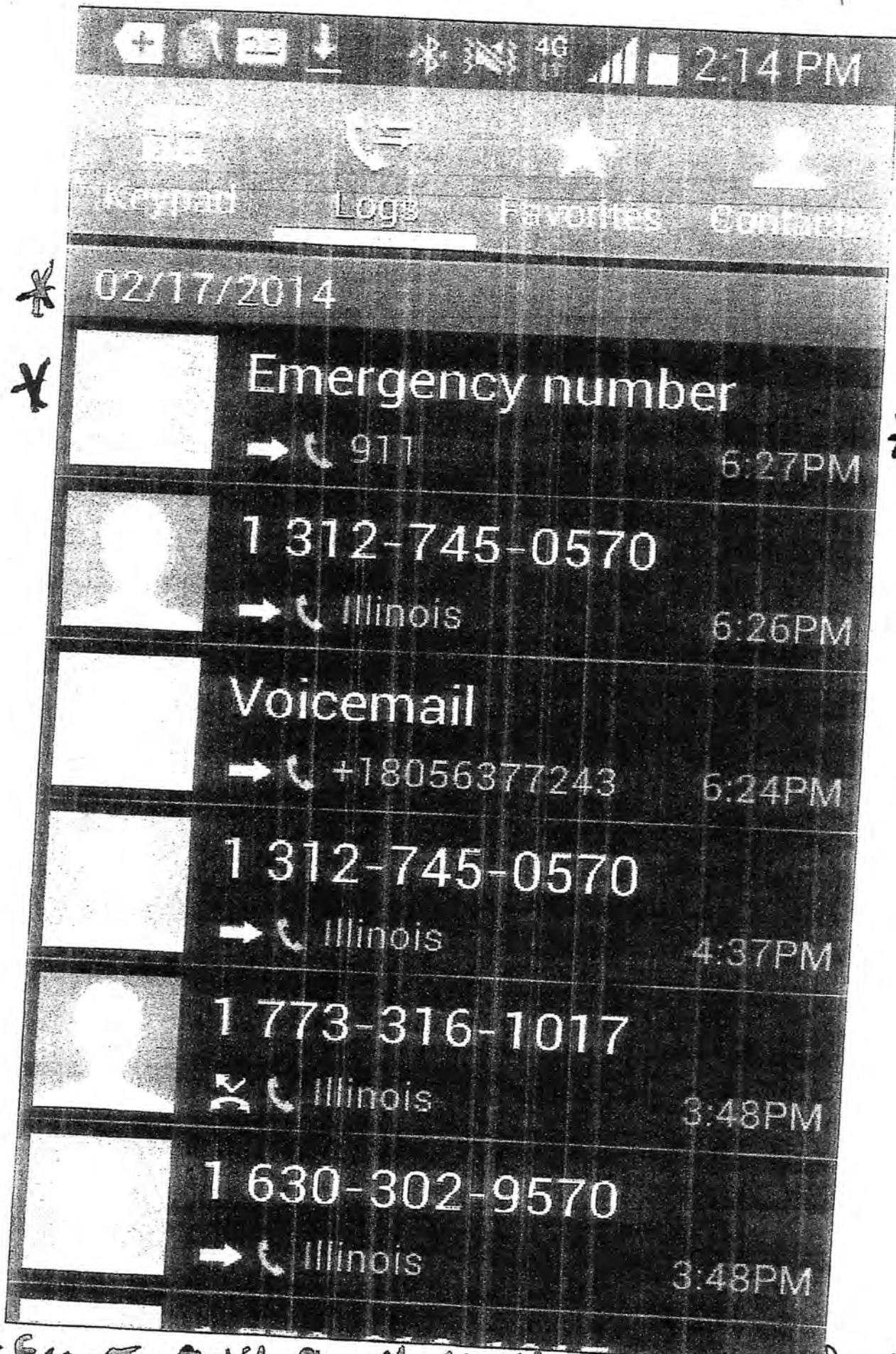
## MESSAGING CHARGES

Date	Service	Time	Destination	Message Type	Messages	Direction	Total
1/23/14	Chicago, IL	3:20 PM	312-218-9444	Text	1	Incoming	-
1/23/14	Chicago, IL	3:25 PM	312-218-9444	Text	1	Outgoing	-
1/23/14	Chicago, IL	3:25 PM	312-218-9444	Text	1	Outgoing	-
1/23/14	Chicago, IL	3:27 PM	312-218-9444	Text	1	Incoming	-
1/23/14	Chicago, IL	3:29 PM	312-218-9444	Text	1	Outgoing	-
1/23/14	Chicago, IL	6:48 PM	773-355-6373	Text	1	Outgoing	-
1/23/14	Chicago, IL	6:53 PM	773-355-6373	Text	1	Incoming	-
1/23/14	Chicago, IL	9:13 PM	773-355-6373	Text	1	Outgoing	-
1/23/14	Roselle, IL	10:36 PM	847-347-7979	Text	1	Outgoing	-
1/27/14	Chicago, IL	9:15 PM	773-387-9288	Text	1	Incoming	-
1/27/14	Chicago, IL	3:36 PM	773-230-8968	Text	1	Outgoing	-
1/27/14	Chicago, IL	3:36 PM	773-230-8968	Text	1	Incoming	-
1/27/14	Chicago, IL	3:39 PM	773-230-8968	Text	1	Outgoing	-
1/27/14	Chicago, IL	3:39 PM	773-230-8968	Text	1	Incoming	-
1/27/14	Chicago, IL	3:39 PM	773-230-8968	Text	1	Incoming	-
1/27/14	Chicago, IL	3:45 PM	773-230-8968	Text	1	Outgoing	-
1/27/14	Chicago, IL	3:45 PM	773-230-8968	Text	1	Outgoing	-
1/27/14	Chicago, IL	4:03 PM	773-230-8968	Text	1	Outgoing	-
1/27/14	Chicago, IL	4:03 PM	773-230-8968	Text	1	Outgoing	-

Call Type: (A) Call Waiting (B) Call Forward (C) Conference Call (E) Data/Fax (F) Mobile2Mobile (G) Voicemail (H) Free  
Calls (I) Int'l Disc Call (J) Int'l Disc Call to Mobile (K) WPS Call (M) AnyMobile (T) T-Mobile Number (U) HotSpt Call (V)  
myFaves Call (X) T-Mobile @Home Call

Doc 3.5.16



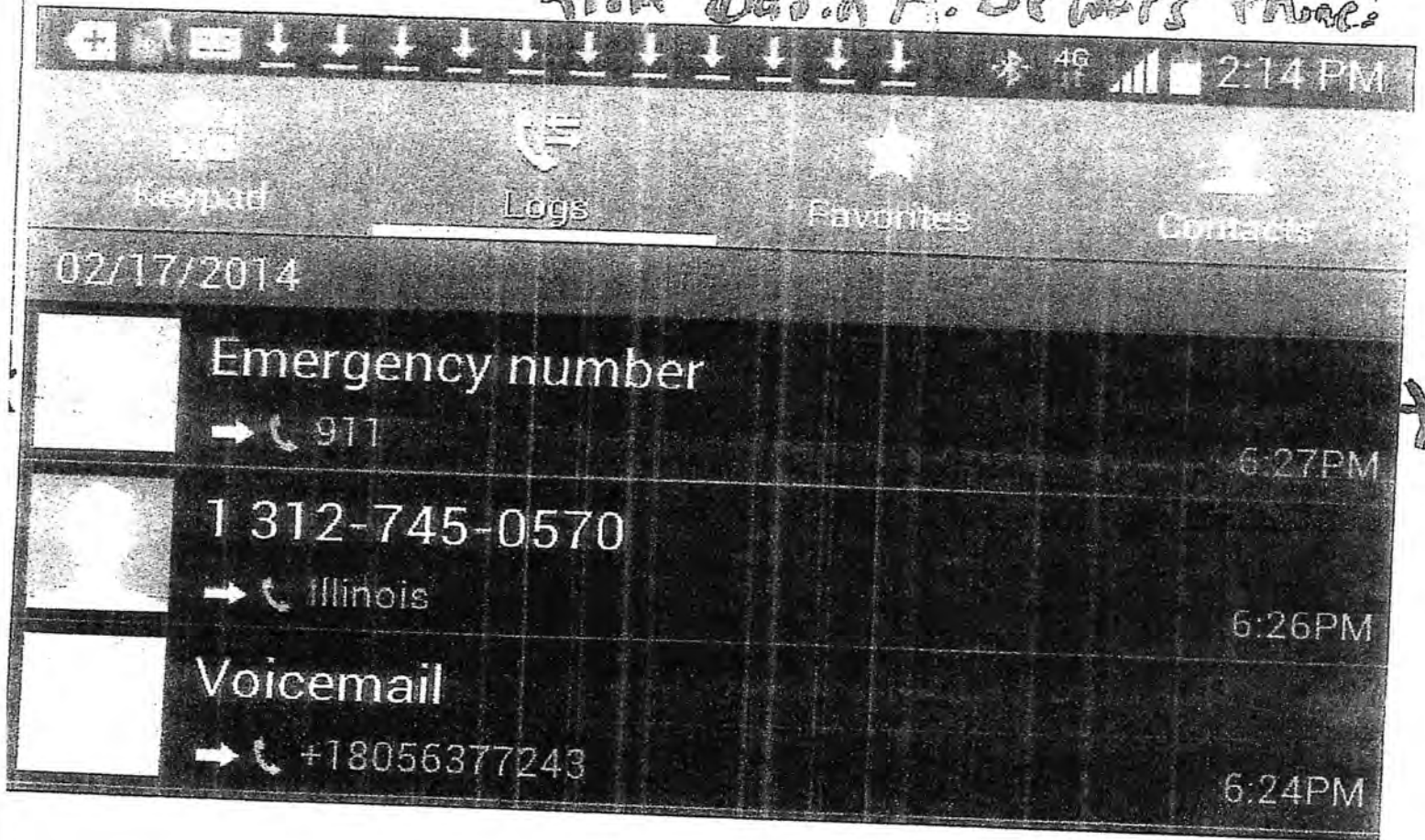


\* From T-Mobile Phone #: 117081369-1153  
from David A. Driscoll



C8-10

FROM T-Mobile Phone #1(708) 369-1153  
from David A. Dewar's Phone!



page 5 of 16



CF-11

Profile

DAVID, (708) 369-1153

Billing & Payments

Changes apply to all lines on your account.

T-Mobile ID

**BILLING ADDRESS** 11347 S MILLARD AVE  
CHICAGO, IL 60655

[Edit](#)

Media Settings

**PAPERLESS** Sign up for paperless bills.

[Set up](#)

Line Settings

**BILLING**

Blocking

**AUTOPAY** Sign up for automatic bill payments.

[\(/billing/manageautopay.html\)](/billing/manageautopay.html)

Privacy &  
Notifications

Family Controls

ESPAÑOL (HTTPS://ES.MY.T-MOBILE.COM)

CALL ME |

ACCOUNT HISTORY (/BILLING/ACTIVITY-AND-ALERTS.HTML) |

PROFILE (/PROFILE.HTML) |

LOG OUT

(/home.html)

BILLING

USAGE

PLAN

PHONE

SHOP

SEARCH

(/BILLING/SUMMARY/USAGE/ACTIVITY-AND-ALERTS/PHONE/MYPHONE/SHOP.HTML)

Jan. 19 - Current

DAVID, (708) 369-1153

Voice    Messaging    Data    T-Mobile purchases    Third-party purchases

All    Filter

Total use: 1260 minutes

Date & Time (Pacific)	Destination	Number	Min	Type
02/07/2018, 05:10 AM	Emergency	911	2	—
02/06/2018, 11:03 PM	Vm Retrieval	123	1	Voicemail
02/06/2018, 10:20 PM	Northbrook, IL	(630) 302-9570	43	—
02/06/2018, 09:51 PM	Northbrook, IL	(708) 508-0122	6	—
02/06/2018, 06:25 PM	Vm Retrieval	123	2	Voicemail
02/06/2018, 04:20 PM	Vm Retrieval	123	1	Voicemail
02/06/2018, 12:47 PM	Vm Retrieval	123	1	Voicemail
02/06/2018, 10:21 AM	Vm Retrieval	123	1	Voicemail
02/06/2018, 09:17 AM	Vm Retrieval	123	1	Voicemail
02/06/2018, 07:37 AM	1-800 #	(800) 244-2273	1	—
02/06/2018, 07:12 AM	Chicago, IL	(312) 625-1595	1	—
02/06/2018, 06:10 AM	1-800 #	(800) 244-2273	2	—
02/06/2018, 06:09 AM	1-800 #	(800) 244-2273	1	—
02/06/2018, 06:09 AM	Vm Retrieval	123	1	Voicemail
02/05/2018, 06:00 PM	Oak Lawn, IL	(708) 422-2041	1	—
02/05/2018, 05:29 PM	Wilmotte, IL	(847) 512-7512	1	—
02/05/2018, 05:28 PM	Blueisland, IL	(708) 752-5397	2	—



C8-13

02/05/2018, 05:27 PM	Downersgrv, IL	(630) 985-1527	2	-
02/05/2018, 05:04 PM	La Grange, IL	(847) 606-4653	23	T-Mobile to T-Mobile
02/05/2018, 04:42 PM	Vm Retrieval	123	1	Voicemail
02/05/2018, 04:36 PM	Vm Retrieval	123	6	Voicemail
02/05/2018, 02:22 PM	Vm Retrieval	123	1	Voicemail
02/05/2018, 12:53 PM	Incoming	(279) 663-3234	1	-
02/05/2018, 12:48 PM	Blueisland, IL	(708) 270-4454	2	-
02/05/2018, 12:32 PM	Incoming	(773) 770-8514	1	-
02/05/2018, 11:28 AM	Incoming	(708) 422-8900	2	-
02/05/2018, 08:54 AM	1-800 #	(800) 829-1040	1	-
02/05/2018, 08:54 AM	1-800 #	(800) 829-1010	1	-
02/05/2018, 08:51 AM	1-800 #	(800) 829-1040	3	-
02/05/2018, 08:49 AM	1-800 #	(800) 829-1040	3	-
02/05/2018, 08:20 AM	1-800 #	(800) 829-1040	1	-
02/05/2018, 08:16 AM	Blueisland, IL	(708) 389-9001	2	-
02/05/2018, 08:13 AM	Blueisland, IL	(708) 389-9001	1	-
02/05/2018, 07:59 AM	1-800 #	(800) 244-2273	1	-
02/05/2018, 07:58 AM	1-800 #	(800) 244-2273	1	-
02/05/2018, 07:58 AM	Vm Retrieval	123	1	Voicemail
02/04/2018, 08:14 PM	La Grange, IL	(708) 420-7994	3	-
02/04/2018, 08:12 PM	La Grange, IL	(630) 878-4794	1	-
02/04/2018, 04:57 PM	La Grange, IL	(630) 878-4794	3	-
02/04/2018, 04:24 PM	Vm Retrieval	123	1	Voicemail

C8-14

02/04/2018, 03:14 PM	Oak Lawn, IL	(708) 636-5030	1	—
02/04/2018, 12:22 AM	1-800 #	(800) 244-2273	1	—
02/04/2018, 12:21 AM	1-800 #	(800) 244-2273	1	—
02/03/2018, 08:02 PM	1-877 #	(877) 825-3797	1	—
02/03/2018, 06:55 PM	Vm Retrieval	123	1	Voicemail
02/03/2018, 05:58 PM	Incoming	(630) 302-9570	8	—
02/03/2018, 05:57 PM	Incoming	(630) 302-9570	1	—
02/03/2018, 05:29 PM	Incoming	(708) 238-5328	5	Call Waiting
02/03/2018, 05:24 PM	Chicago, IL	(773) 655-5559	6	—
02/03/2018, 05:17 PM	Incoming	(773) 655-5559	1	—

Download usage records

1 2 3 4 5 ... 7 Next

SUPPORT ([HTTP://SUPPORT.T-MOBILE.COM/WELCOME.HTML](http://support.t-mobile.com/welcome.html)) | CONTACT US ([/CONTACT-US.HTML](http://support.t-mobile.com/contact-us.html)) |STORE LOCATOR ([HTTP://WWW.T-MOBILE.COM/STORE-LOCATOR.HTML](http://www.t-mobile.com/store-locator.html)) |COVERAGE ([HTTPS://WWW.T-MOBILE.COM/COVERAGE/LTE-COMPARISON-MAP](https://www.t-mobile.com/coverage/lte-comparison-map)) | T-MOBILE.COM ([HTTP://WWW.T-MOBILE.COM](http://www.t-mobile.com)) |

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([https://www.t-mobile.com/Templates/Popup.aspx?PAsset=Ftr\\_Ftr\\_ReturnPolicy&print=true](https://www.t-mobile.com/Templates/Popup.aspx?PAsset=Ftr_Ftr_ReturnPolicy&print=true))  
 ([https://www.t-mobile.com/Templates/Popup.aspx?PAsset=Ftr\\_Ftr\\_ReturnPolicy&print=true](https://www.t-mobile.com/Templates/Popup.aspx?PAsset=Ftr_Ftr_ReturnPolicy&print=true)) Terms & Conditions ([https://www.t-mobile.com/Templates/Popup.aspx?PAsset=Ftr\\_Ftr\\_TermsOfUse&print=true](https://www.t-mobile.com/Templates/Popup.aspx?PAsset=Ftr_Ftr_TermsOfUse&print=true)) | Privacy Policy  
 PAsset=Ftr\_Ftr\_TermsAndConditions&print=true) | Terms of Use ([https://www.t-mobile.com/Templates/Popup.aspx?PAsset=Ftr\\_Ftr\\_TermsOfUse&print=true](https://www.t-mobile.com/Templates/Popup.aspx?PAsset=Ftr_Ftr_TermsOfUse&print=true)) | Privacy Policy  
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 Privacy Resources (<https://www.t-mobile.com/company/privacy-resources/your-privacy-choices/marketing-choice.html>) | Open Internet Policy  
 ([http://www.t-mobile.com/Company/CompanyInfo.aspx?tp=Abt\\_Tab\\_ConsumerInfo&tsp=Abt\\_Sub\\_InternetServices](http://www.t-mobile.com/Company/CompanyInfo.aspx?tp=Abt_Tab_ConsumerInfo&tsp=Abt_Sub_InternetServices))

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PAsset=Ftr\_Ftr\_Copyright&amp;print=true',922,width=568,height=400,screenX=568,screenY=400,left=50,top=50,toolbar=no,location=no,menubar=no,status=no,resizable,scrollbars)



8-15

## RECENTS

## CONTACTS



Illinois

10:11 AM



+1 305-856-8007

Miami FL

10:02 AM



+1 708-425-5500

Illinois

9:50 AM



1 708-425-5500 (2)

Illinois

9:33 AM

Barbara Caine

Mobils

8:51 AM

02/06/2018

FEBRUARY 6, 2018

Photo Shot from my T-Mobile Phone  
at 1(708) 369-1153



Emergency number

911

11:10 PM



Voice Mail

+18056377243

11:03 PM

08-16

**::CAD DATA FROM RDW::**

**UNIT HISTORY**

INCIDENT NO.: BI-18-00002776

REPORT NO.:

REPORT DATE: 2018-02-20 11:10:50

OPENED: 2018-02-06 23:12:17

CLOSED DATE: 2018-02-07 00:22:16

CREATED BY: Catherine Domine POS#"DP3

EDITED BY: JOANNAR

**::INCIDENT INFORMATION::**

INC TYPE: LINFO-INFORMATION ONLY

DISPOSITIONS: INFO

SOURCE: I

PRIORITY: 3

PRI UNIT: /

PRI OFC: /

ASSOCIATED INCIDENTS:

**::LOCATION INFORMATION::**

ADDRESS: W 119TH ST / S WESTERN AVE

VERIFIED YES

LOCATION:

CITY: BLUE ISLAND

APT: BLD:

FLOOR:

SUBD.:

**::CALLER INFORMATION::**

NAME PASSERBY

PHONE 708 3691153

ADDRESS

TYPE WRLS

CITY

TIME 2018-02-06 23:10:51

**::PERSON INFORMATION::**

ROLE NAME  
COMP PASSERBY

ADDRESS

PHONE

DL INFO

708 3691153

DL: ST: BD: -0

**::VEHICLE INFORMATION::**

LIC MK MOD

YR CL VIN

**:: UNIT INFORMATION::**

UNIT ID

OFFICER NAME

**:: INCIDENT COMMENTS::**

2018-02-06 23:12:17 CDOMINE

FORD EXPLORER GOING E/B PAST WESTERN TWARDS EXSPRESSWAY DRIVING RECKLESS

2018-02-06 23:12:47 JOANNAR

ROB

2018-02-06 23:13:28 JOANNAR

READ OVER METRO SOUTH

**:: UNIT HISTORY DATA::**

UNIT ID DATE

TYPE

STATUS

**:: END OF REPORT::**



4/30/2015

OEMCFOIA - Outlook

Printout on Event#1510906128

REPLY

REPLY ALL

FORWARD

david <ddewar05@hotmail.com> Mark as read

Thu 4/30/2015 3:25 PM

Inbox

(c9) CLAIM #9-13 pages

To: OEMCFOIA;

Cc: ddewar05@hotmail.com;

To OEMC Department, Please send via E-Mail under "The Freedom of Information Act", a PDF Printout of Event#1510906128 which occurred on Sunday Afternoon April 19, 2015 at 12:39 P.M. at the Home of Shirley Dewar at 11347 S. Millard Ave., Chicago, Illinois, 60655. This was reported as a Disturbance by the neighbors North at 11343 S. Millard Ave. due to there kids Basketball Bouncing into Shirley Dewar's backyard. Several officers showed up for One Basketball and 4 Squad Car's with about 8 Police Officers to retrieve One Basketball. Shirley Dewar was only present when the 8 Officers and 4 Squad Car's arrived for the One Basketball on a Sunday Afternoon. Thank You

CHICAGO POLICE DEPARTMENT  
EVENT QUERY

17-JUN-2015

PAGE

1

Event # 1510906128

Type	Location	Date	Pri	DG	Svc Beat	Disp
DIST	11347 S MILLARD AV	19-APR-2015 11:49:50	3B	022	2211	5F
Source	Response Level	Caller	Phone			
E	1					
Address of Occurrence						Occ Beat
11347 S MILLARD AV						2211

## Event Chronology

Date	Activity	Wkstn	Person	Text
19-APR-2015 11:49:06	REC			
19-APR-2015 11:49:50	ENTRY	PCT36	C604221	
19-APR-2015 12:05:38	DSP	PD117	D522288	2211A
19-APR-2015 12:06:07	ASST	PD117	D522288	2213
19-APR-2015 12:06:12	ACK	PMDT2204	PC0J764	2213
19-APR-2015 12:06:28	DSP	PD117	D522288	2212
19-APR-2015 12:09:50	ACK	PMDT5815	PC0J059	2211A
19-APR-2015 12:10:35	CLOC	PD117	D522288	2211A 2213 2212 [022 W 1]
19-APR-2015 12:10:50	CLOCX	PD117	D522288	2211A 2213 2212 [ AV]
19-APR-2015 12:39:55	CLEAR	PMDT5815	PC0J059	2211A 2213 2212 D/5F
19-APR-2015 12:39:55	CLOSE	PMDT5815	PC0J059	D/5F
	RMKS			DIST W/ NABOR NFI

## Unit Summary

Unit	Dispatch	Enroute	Onscene	T	TA	TC	Clear
2211A	12:05:38	12:10:35	12:10:50				12:39:55
2213	12:06:07	12:10:35	12:10:50				12:39:55
2212	12:06:28	12:10:35	12:10:50				12:39:55

\* Police Stayed 30 Minutes



# CAPS Meeting Calendar

## BEATS 2211 & 2212

First Thursday of the month at 7:00pm

March, May, June, August, October, December

22nd District Police Station, 1900 W. Monterey Ave.

## BEAT 2213

Second Thursday of the month at 7:00pm

March, April, May, June, July, August, September, October, November

Ridge Park, 9625 S. Longwood Dr.

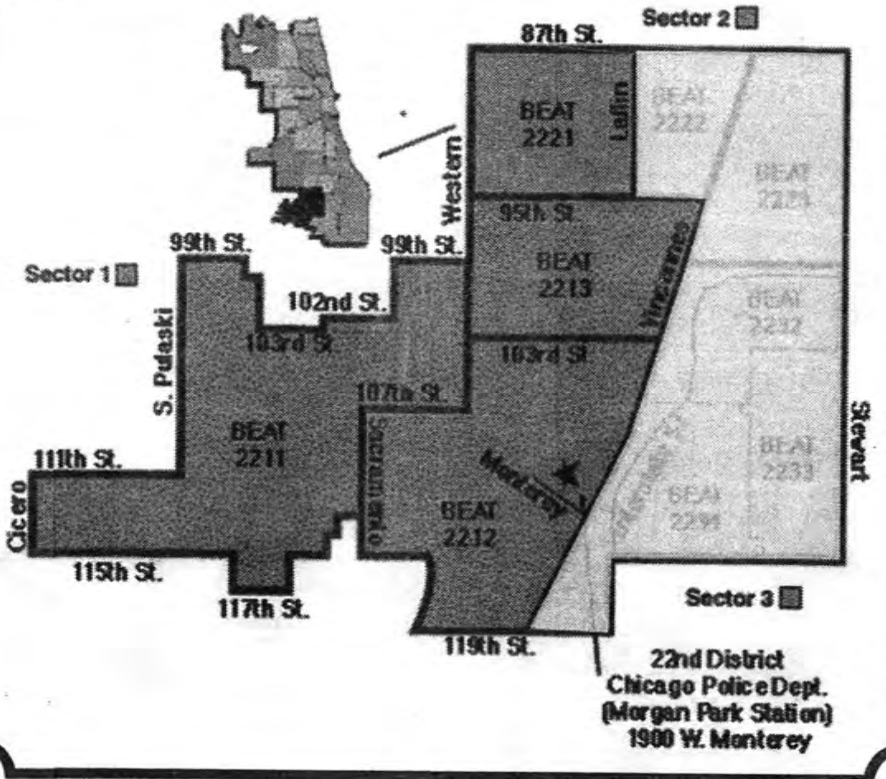
## BEAT 2221

First Tuesday of the month at 7:00pm

March, April, May, June, July, September, October, November

Christ the King Parish Hall, 9235 S. Hamilton Ave

29-3



# Quarterly

A 19th Ward Youth Foundation Publication  
Matthew J. O'Shea, Alderman

## Beverly / Morgan Park Service Office

10400 S. Western Ave.

Chicago, IL 60643-2508

(773) 238-8766 (phone)

(773) 672-5133 (fax)

colleen@the19thward.com

## Mount Greenwood Service Office

3215 W. 111th St.

Chicago, IL 60655

(773) 238-8776 (phone)

(773) 672-5130 (fax)

## City Hall Office

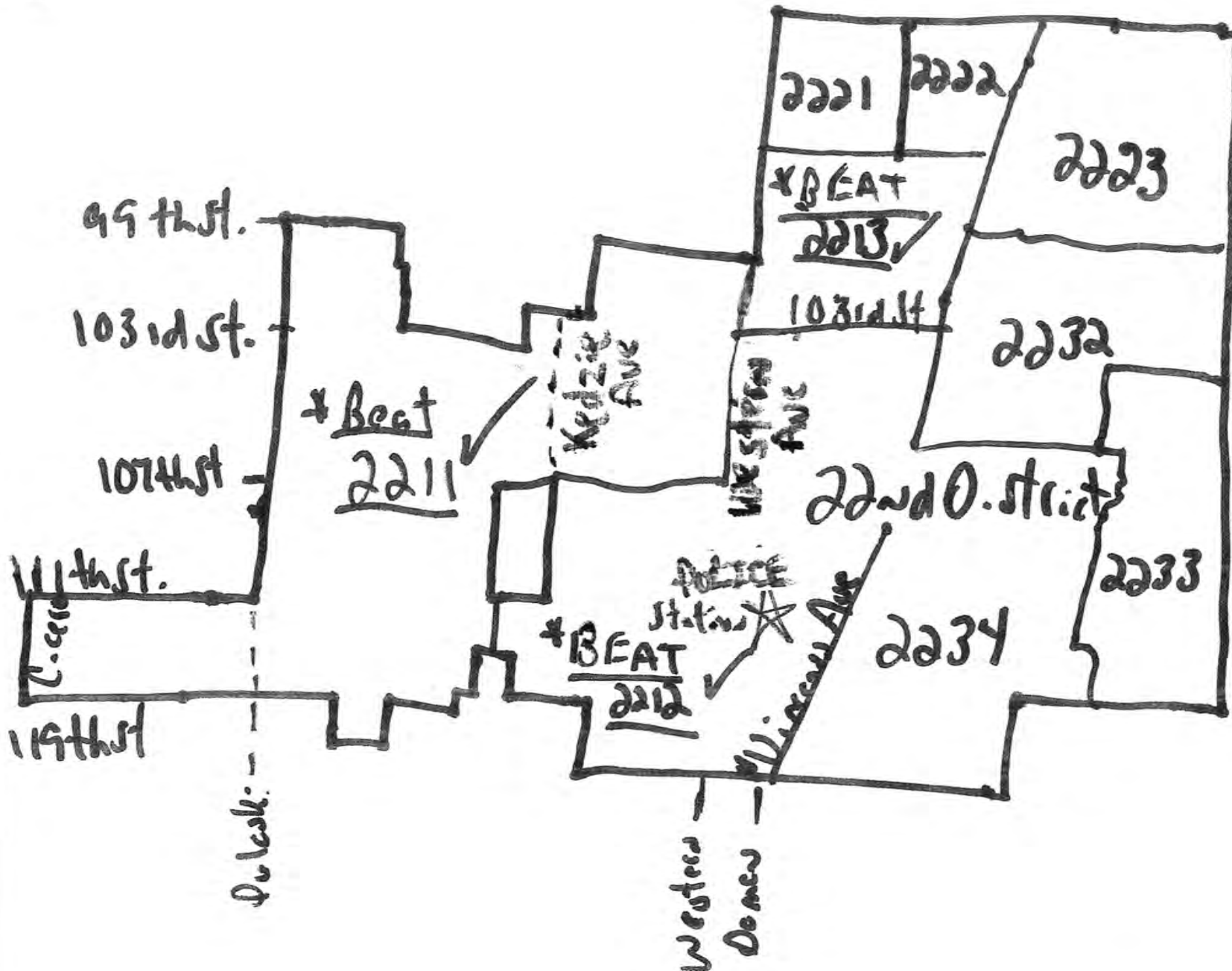
121 N. LaSalle St., Room 200

Chicago, IL 60602

(312) 744-3072

www.the19thward.com

09-4  
h-60





19-3  
1

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

SHIRLEY M. DEWAR,

Plaintiff,

vs.

OEMC/CPD City of Chicago,

Defendant.

No. 16 C 2673

Chicago, Illinois

June 21, 2016

9:37 a.m.

TRANSCRIPT OF PROCEEDINGS - Motion

BEFORE THE HONORABLE ROBERT W. GETTLEMAN

APPEARANCES:

For the Plaintiff:

MS. SHIRLEY M. DEWAR, Pro Se  
11347 South Millard Avenue  
Chicago, Illinois 60655-3429  
773.445.5340  
ddewar05@hotmail.com

For the Defendant:

CITY OF CHICAGO  
DEPARTMENT OF LAW  
BY: MR. PHILLIP SANTELL  
Assistant Corporation Counsel  
30 North LaSalle Street, Suite 900  
Chicago, Illinois 60602  
312.744.5218  
phillip.santell@cityofchicago.org

Also present:

MR. DAVID DEWAR

Official Court Reporter:

NANCY L. BISTANY, CSR, RPR, FCRR  
219 South Dearborn Street, Room 1706  
Chicago, Illinois 60604  
(312) 435-7626  
nancy\_bistany@ilnd.uscourts.gov

1 (Proceedings heard in open court:)

2 THE CLERK: 16 C 2673, Shirley Dewar versus OEMC;  
3 motion to dismiss.

4 MR. SANTELL: Good morning, Your Honor.

5 My name is Phillip Santell, S-a-n-t-e-l-l, assistant  
6 corporation counsel with the City of Chicago.

7 This is up today for presentment on our motion to  
8 dismiss for lack of subject matter jurisdiction.

9 THE COURT: Please introduce yourselves, folks.

10 MRS. DEWAR: Yes. I'm -- my name is Shirley Dewar.

11 And on May the 19th, 2015, I was in my house minding  
12 my own business with my dog. And the next thing I know, there  
13 was a bunch of squad cars and police in front of my house.

14 And so I went to the side door. And the officer, his  
15 name was Charlie McDonald. And he said to me, "You have a  
16 basketball in your backyard. Go and get it."

17 I said, "Okay."

18 So I walked along the side, went in the back, and I  
19 gave it to him. And he went and took the basketball, brought  
20 it to the next door neighbor, who we do not get along with, at  
21 113 -- what is it -- 43 --

22 MR. DAVID DEWAR: -- 43 South Millard.

23 MRS. DEWAR: -- South Millard.

24 And they were talking and smiling and laughing. And  
25 they stayed -- these policemen and these squad cars stayed for



1 30 minutes in front of my house.

2 Now, isn't that -- and then they say I caused a  
3 disturbance? I'm lucky I'm living. I'm 78 years old, and I'm  
4 causing a disturbance? I mind my own business. And is that  
5 what the police do? They should be protecting the people that  
6 are getting murdered around the city and robbed. And you're  
7 pick -- you're going to abuse me?

8 THE COURT: The problem that you're having here is,  
9 though, you know, you're trying to represent yourself.

10 Who is this young man sitting --

11 MRS. DEWAR: This is my son.

12 THE COURT: Okay. Could you introduce yourself?

13 MR. DAVID DEWAR: My name is David Dewar.

14 THE COURT: Okay. I understand what you're saying,  
15 but in order to file a case in federal court, you have to  
16 allege a constitutional violation of some sort.

17 MRS. DEWAR: Well, here's --

18 THE COURT: Excuse me. And that has to be alleged  
19 against an individual officer, if you think an individual  
20 officer abused you or did something wrong, and it has to meet a  
21 certain standard.

22 What you've done here is you've sued a non-suable  
23 entity, and there is no claim against that entity --

24 MRS. DEWAR: Then why did they come out if there's no  
25 information?

1 THE COURT: You have to listen to me.

2 This is a federal court. We are a court of limited  
3 jurisdiction, and we can only hear claims about police  
4 misconduct if they rise to a constitutional level. And those  
5 claims have to be against the individual police officer  
6 involved.

7 And your claim here does not rise to that level. You  
8 have to identify that officer and then explain, even if you're  
9 doing it yourself, explain why you think that officer abused  
10 his authority in a constitutional manner.

11 And you haven't done that here.

12 I know this is very technical, and I can understand  
13 why you might be upset about what happened. But, again, it has  
14 to rise to a certain level, and the allegations have to be  
15 enough to actually raise a constitutional issue.

16 MRS. DEWAR: But can't I find -- can't I find out  
17 what they put against me? Because they said it's a  
18 disturbance, and I even wrote to a few places. And then  
19 finally the last --

20 MR. DAVID DEWAR: Can I speak?

21 MRS. DEWAR: Can my son say something?

22 THE COURT: Sure, I'll let him say something. But  
23 you would have to get the names of the officer, and I can't  
24 help you do that. You have to do that on your own. So you  
25 have to get the names of the individual officers.



1 And the only way you could sue the city as such would  
2 be to say that there's some general policy that the city has,  
3 and I don't hear that at all. So you really have to find the  
4 names of these officers if you want to continue.

5 But go ahead if you want to say something.

6 MR. DAVID DEWAR: I think we received a letter from  
7 the U.S. Department of Justice. And the whole basis of this  
8 originally was through the Freedom of Information Act to  
9 receive the information on what the disturbance was pertaining  
10 to my mom off of this report, which we did receive. But it  
11 says there was a disturbance, so we went --

12 THE COURT: What are you showing me there, a police  
13 report?

14 MR. DAVID DEWAR: Well, this is the report from the  
15 OEMC. And it shows there was a disturbance against my mom, and  
16 that's why they sent out on April 19th of last year eight  
17 police officers and --

18 MRS. DEWAR: No, it was --

19 MR. DAVID DEWAR: -- four squad cars for 30 minutes.

20 MRS. DEWAR: No, it was May 19th.

21 MR. DAVID DEWAR: It shows here April 19th.

22 THE COURT: It doesn't matter. It doesn't matter.  
23 So you have the names of the officers?

24 MR. DAVID DEWAR: We do have --

25 MRS. DEWAR: I have the name of the one that

1 confronted me. In fact, he --

2 THE COURT: Okay. I really don't have much more time  
3 with you, because I have other matters.

4 MR. DAVID DEWAR: Okay. Well, let me --

5 MRS. DEWAR: Okay. You talk.

6 MR. DAVID DEWAR: I'll get straight to the chase.

7 THE COURT: Please.

8 MR. DAVID DEWAR: So what we did is we went through  
9 the channels. We went to the OEMC for the report. Denied. We  
10 went to Attorney General of Illinois. Denied. We went to  
11 Virginia Department of Insurance. Denied. And Washington.

12 We received this letter stating that if we were  
13 dissatisfied, we can file a federal lawsuit to get that  
14 information.

15 We're following the instructions based on this  
16 letter, so that's why we're a little confused. I understand  
17 what you're saying, we have to go after an individual on a  
18 civil rights, but it did say here under this code that we can  
19 pursue that. And that's what she's doing.

20 So that's the reason why --

21 THE COURT: Let me see the letter you have there.

22 MR. DAVID DEWAR: Sure.

23 MRS. DEWAR: You want to show him this, too?

24 THE COURT: All right. This is saying you have a  
25 Freedom of Information Act claim against the FBI now if you



1 think that you haven't gotten the information you need from  
2 your FOIA request.

3 That's very different than what your mom just told  
4 me. Your mom is complaining about what she thinks was police  
5 misconduct in this incident last year. So there are two  
6 different things here altogether.

7 You want to say something?

8 MR. SANTELL: Judge, if I might. The complaint that  
9 we received is in the guise of a Freedom of Information Act  
10 complaint that's brought against the City of Chicago Police  
11 Department and the Office of Emergency Management and  
12 Communications. And that was the basis for our motion to  
13 dismiss in that there's no federal question. It's Illinois  
14 resident versus Illinois governmental agency. And this matter  
15 should be over at the Daley Center and not in front of Your  
16 Honor.

17 THE COURT: Well, there's also apparently -- I don't  
18 know if you've seen this, but they filed a FOIA request with  
19 the FBI, and apparently they were dissatisfied with what they  
20 got back. That's a totally separate matter --

21 MR. SANTELL: Yes, it is.

22 THE COURT: -- than this case.

23 So what you're really complaining about here, if  
24 you're trying to get it into federal court, you have to do what  
25 I said before.

1 A Freedom of Information Act claim against the city  
2 is a state claim, not a federal claim. So they're right about  
3 that.

4 But, again, if you get the name of a police officer  
5 and you want to go after that individual police officer or  
6 officers, I've already told you what you have to do with that.

7 MR. DAVID DEWAR: Okay.

8 THE COURT: So I think the motion is well taken. I'm  
9 going to grant it without prejudice. That means you can still  
10 pursue whatever other remedies you have.

11 If you want a FOIA appeal, they've referred you to  
12 the statute.

13 Here, I'll give these back to you.

14 And you can file that. That's a total separate thing  
15 than your claim against the city or any police officer.

16 So I'll grant the motion without prejudice, and I'll  
17 deny the other motion as moot. All right? I hope I've given  
18 you -- I can't give you any more legal advice than I've already  
19 given you on this. All right?

20 So good luck. I think you'll have to take it to the  
21 next step.

22 MR. DAVID DEWAR: Thank you.

23 THE COURT: Okay. Thank you, folks.

24 (Proceedings concluded.)  
25



C E R T I F I C A T E

I, Nancy L. Bistany, certify that the foregoing is a complete, true, and accurate transcript from the record of proceedings on June 21, 2016, before the HON. ROBERT W. GETTLEMAN in the above-entitled matter.

/s/ Nancy L. Bistany, CSR, RPR, FCRR

July 19, 2016

Official Court Reporter  
United States District Court  
Northern District of Illinois  
Eastern Division

Date

(C101) CLAIM #10-6 Pages

**CPD CERTIFICATION OF RECORD SEARCH**  
CHICAGO POLICE DEPARTMENTDate of Request  
15 March 2018Requested Date & Time of Visit  
ASAP**REQUEST SECTION**

I, Tiffany Barefield, am an employee of City of Chicago ("City"), Department of Law, Federal Civil Rights Litigation Division, and I am representing the City in the below-specified case. Pursuant to Chicago Police Department General Order 09-03, entitled "City of Chicago Law Department Access to Department Facilities to Inspect and Copy Records," I am requesting access to review and copy the records listed below.

The request is related to the matter of Case Name/Number David Dewar v City, 16C2287 • RD# \_\_\_\_\_

CB# 18838176 • Other \_\_\_\_\_ (See attached Department of Law Memorandum).

NO.	RECORD	UNIT/BUREAU NAME	UNIT NO.	WARE HOUSED
1	Arrestee Property Log & Personal Property Receipt- 2/17/14, Daniel Dewar	22nd district	022	<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>
				<input type="checkbox"/>

Name of Law Department Personnel who will review and copy the requested record(s): Tiffany Barefield**CERTIFICATION SECTION**

I, Sgt Anne Lewis, state that I am an employee of the Chicago Police Department with the title/rank/position of SERGEANT and that I am assigned to or work in the Bureau OF PATROL.

Unit Name 22ND DISTRICT and Unit No. 022

I conducted a thorough good-faith search for the records that are responsive to the above request(s) on 15 MAR 18/1900 (Date & Time of Search)

The results of the search are as follows:

A. I located the following records and made them available to the City of Chicago Department of Law Employee: TIFFANY BAREFIELD for inspection/copying:

- 1) PERSONAL PROPERTY RECEIPT 2/17/14 - DEWAR ?
- 2) ARRESTEE PROPERTY LOG 2/17/14 - DEWAR ?
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_

AND/OR

B. Based on the information provided, I was unable to locate the following records:

- 1) \_\_\_\_\_
- 2) \_\_\_\_\_
- 3) \_\_\_\_\_
- 4) \_\_\_\_\_

☐ YES ☒ NO Records were destroyed pursuant to an approved Records Retention Schedule and Disposal Certificate (See attached Certificate of Disposal).

I certify to the best of my knowledge that the information contained in the foregoing is true and correct.

Witness:  
(Signature)

(Department of Law Personnel)

Signature:

(Chicago Police Department Member)

Witness:  
(Print)

(Department of Law Personnel)

Print:

(Chicago Police Department Member)

Date Executed: 16 MAR 18

CPD-12.132 (5/16)

Dewar, 16 C 2287

FCRL 000108



# CHICAGO POLICE DEPARTMENT ARREST REPORT

3510 S. Michigan Avenue, Chicago, Illinois 60653  
(For use by Chicago Police Department Personnel Only)  
CPD-11.420C (REV. 6/30)

FINAL APPROVAL

HW = (Year 2013)

CB #: 18838176

IR #: 1475483

YD #:

RD #: HW154717

EVENT #: 1304403568

## ARREST REPORTING

Name: DEWAR, David

Res: 11347 S Millard Ave  
Chicago, IL 60655Empl: Tax Free Retirement Solutions  
Financial Advisor

DOB: 20 October 1964

AGE: 49 years

POB: Illinois

ARMED WITH Unarmed

Beat: 2211

Male

White

6' 03"

230 lbs

Brown Eyes

Unknown Hair

Bald Hair Style

Fair Complexion



OFFENDER

INCIDENT

CHARGES

RECOVERED  
NARCOTICS

WARRANT

Arrest Date: 17 February 2014 19:00

Location: 11343 S Millard Ave  
Chicago, IL 60655  
304 - Street

Holding Facility: District 022 Lockup

Resisted Arrest? No

TRR Completed? No

Beat: 2211

Total No Arrested: 1

Co-Arrests

Assoc Cases

DCFS Ward ? No

Dependent Children? No

Offense As Cited 720 ILCS 5.0/12-1-A  
ASSAULT - SIMPLE  
Class C - Type M

Victim

Hosty, William

aw  
25 Mar

NO NARCOTICS RECOVERED

FILE 5

FEB 24 2014

CHICAGO POLICE DEPARTMENT

14194709

NO WARRANT IDENTIFIED

Exhibit 1 / Page 6 of 12

C10-3

# ARRESTEE PROPERTY LOG

## CHICAGO POLICE DEPARTMENT

Unit 022 Date: 16 FEB 14

C.B. No.	Name of Arrestee (Last, First)	Property Receipt No.	Returned to Arrestee or Transported to Court (check one in Referee)	Date
1	3RD WATCH	16 FEB 14		
2	1st Watch	17 FEB 14		
3	18837700 McGee, Edward	2019930	T	
4	18837531 Rodgers, Dwight	2019931		
5	3RD WATCH	17 FEB 14		
6	18838144 MINLEY, Kwan	2019932	R	17 FEB 14
7	18838131 BAILEY, Edmund	2019933		
8	18838158 BRADFORD STANLEY	2019934		
9	18838176 DEWAR, DAVID	2019935		
10	1st Watch	18 FEB 2014		
11	18838189 TERRANCE JAMES	2019936		
12	18838343 MICHAEL BURNS	2019937		
13	18838342 GEORGE T. DEAN	2019938		
14	3RD WATCH	18 FEB 2014		
15	1st Watch	19 FEB 2014		
16	18838846 WILLIAM BLUMBERG	2019939	T	
17	18838887 DEPOSED PEOPLE	2019940		
18	18838917 LARRY WILLIAMS	2019941	T	
19	18838955 GUYE WILLIAMS	2019942	T	
20	18838988 KENNETH	2019943		
21	18839010 Davis Robert	2019944		
22	18839024 SAMS	2019946	R	
23	18839048 PHILLIP SIM	2019947		
24				
25				

CPD 21.872 (8/07)

3

Dewar, 16 C 2287

FCRL 000109



C10-4

**PERSONAL PROPERTY RECEIPT**  
CHICAGO POLICE DEPARTMENT

RECEIPT NO.  
**P2019935**

DATE RECEIVED

DISTRICT/UNIT NO.

THE FOLLOWING LISTED PROPERTY  
WAS TAKEN FROM THE PERSON OF:

NAME OF OWNER

OWNER'S ADDRESS

CITY

C.B. NO.

TAKEN INTO CUSTODY BY--OFFICER(S) NAME(S) STAR NO.

QTY	ITEM	QTY	ITEM
CASH \$	1		

LOCKUP KEEPER (SIGNATURE)

STAR NO.

DESK OFFICER (SIGNATURE)

STAR NO.

CPD-11.502 (Rev. 8/79)

DETENTION FACILITY COPY

(SEE OTHER SIDE)

DO NOT DETACH THIS PERMANENT COPY FROM THE BOOK.

DATE PROPERTY RECEIVED

C.B. NO.

DESK OFFICER (SIGNATURE)

STAR NO.

BY PROPERTY OWNER (SIGNATURE)

FROM

SHOW THIS RECEIPT NO. ON PROPERTY INVENTORY.

PROPERTY INVENTORY  
NO.RECEIPT NO.  
**P2019935**

CPD-11.502 (Rev. 8/79)

OWNER'S RECEIPT COPY

(SEE OTHER SIDE)

TO REMOVE CARBON &amp; DISCARD. 2. LEAVE DUPLICATE IN BOOK.

**PERSONAL PROPERTY RECEIPT**  
CHICAGO POLICE DEPARTMENT

RECEIPT NO.  
**P2019935**

DATE RECEIVED

DISTRICT/UNIT NO.

**17 FEB 14****022**

THE FOLLOWING LISTED PROPERTY  
WAS TAKEN FROM THE PERSON OF:

NAME OF OWNER

**DEWAR, DAVID**

OWNER'S ADDRESS

CITY

C.B. NO.

**11347 S. MILLARD****18838176**

TAKEN INTO CUSTODY BY--OFFICER(S) NAME(S) STAR NO.

**FELMON****4121**

QTY	ITEM	QTY	ITEM
CASH \$	1		

LOCKUP KEEPER (SIGNATURE)

STAR NO.

DESK OFFICER (SIGNATURE)

STAR NO.

CPD-11.502 (Rev. 8/79)  
(SEE OTHER SIDE)

OWNER'S RECEIPT COPY



Not for use for  
any other purpose  
than the receipt  
of property only  
CPD-11.502 (Rev. 8/79)

DATE PROPERTY RECEIVED

**17 FEB 14**

C.B. NO.

**18838176**

DESK OFFICER (SIGNATURE)

STAR NO.

BY

PROPERTY OWNER (SIGNATURE)

FROM

ATTACH THIS LOWER PORTION TO THE PROPERTY ENVELOPE.

OFFICER'S RECEIPT

RECEIPT NO.  
**P2019935**

Dewar, 16 C 2287

FCRL 000110

(Pg 6)

**DEWAR**  
**DANIEL**  
**RH18838176**  
**ECC #7**

✓

MANAGER RECEIVED  
DATE RECEIVED  
STAR NO. 12 & RPT RECEIVING OFFICE

OTHER DESCRIBE  
NAME  
COUNT  
CRIME LAB

PROPERTY INVENTORY NO.  
RECEIVING OFFICER  
CONTENTS - DESCRIBE

5

589-A

EVIDENCE & RECOVERED PROPERTY SECTION  
CHICAGO POLICE DEPARTMENT  
EVIDENCE PROPERTY ENVELOPE



C10-6



Daves Cell  
Phone  
not logged  
in

Evidence Property  
Envelope

- NO INVENTORY #

& NO E-TRACK

INVENTORY  
#





(10) CLAIM # 11 - 12 PAGES

## TITLE 18, U.S.C., SECTION 242 DEPRIVATION OF RIGHTS UNDER COLOR OF LAW

May 21, 2013 at 6:44am

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death. This law further prohibits a person acting under color of law, statute, ordinance, regulation or custom to willfully subject or cause to be subjected any person to different punishments, pains, or penalties, than those prescribed for punishment of citizens on account of such person being an alien or by reason of his/her color or race. Acts under "color of any law" include acts not only done by federal, state, or local officials within the bounds or limits of their lawful authority, but also acts done without and beyond the bounds of their lawful authority; provided that, in order for unlawful acts of any official to be done under "color of any law," the unlawful acts must be done while such official is purporting or pretending to act in the performance of his/her official duties. This definition includes, in addition to law enforcement officials, individuals such as Mayors, Council persons, Judges, Nursing Home Proprietors, Security Guards, etc., persons who are bound by laws, statutes ordinances, or customs. Title 42, U.S.C., Section 14141 Pattern and Practice Title 42, U.S.C., Section 14141: makes it unlawful for state or local law enforcement agencies to allow officers to engage in a pattern or practice of conduct that deprives persons of rights protected by the Constitution or laws of the United States. This law is commonly referred to as the Police Misconduct Statute. This law gives DOJ the authority to seek civil remedies in cases where it is determined that law enforcement agencies have policies or practices which foster a pattern of misconduct by employees. This action is directed against an agency, not against individual officers. The types of issues which may initiate a Pattern and Practice investigation include: 1. Lack of supervision/monitoring of officers' actions. 2. Officers not providing justification or reporting incidents involving the use of force. 3. Lack of, or improper training of officers. 4. A department having a citizen complaint process which treats complainants as adversaries. Whenever the Attorney General has reasonable cause to believe that a violation has occurred, the Attorney General, for or in the name of the United States, may in a civil action obtain appropriate equitable and declaratory relief to eliminate the pattern or practice. Types of misconduct covered include, among other things: 1. Excessive Force 2. Discriminatory Harassment 3. False Arrest 4. Coercive Sexual Conduct 5. Unlawful Stops, Searches, or Arrests Title 18, U.S.C., Section 241 Conspiracy Against Rights This statute makes it unlawful for two or more persons to conspire to injure, oppress, threaten, or intimidate any person of any state, territory or district in the free exercise or enjoyment of any right or privilege secured to him/her by the Constitution or the laws of the United States, (or because of his/her having exercised the same). It further makes it unlawful for two or more persons to go in disguise on the highway or on the premises of another with the intent to prevent or hinder his/her free exercise or enjoyment of any rights so secured. Punishment varies



from a fine or imprisonment of up to ten years, or both; and if death results, or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title or imprisoned for any term of years, or for life, or may be sentenced to death. It is a crime for one or more persons acting under color of law willfully to deprive or conspire to deprive another person of any right protected by the Constitution or laws of the United States. "Color of law" simply means that the person doing the act is using power given to him or her by a governmental agency (local, state or federal). Criminal acts under color of law include acts not only done by local, state, or federal officials within the bounds or limits of their lawful authority, but also acts done beyond the bounds of their lawful authority. Off-duty conduct may also be covered under color of law, if the perpetrator asserted their official status in some manner. Color of law may include public officials who are not law enforcement officers, for example, judges and prosecutors, as well as, in some circumstances, non governmental employees who are asserting state authority, such as private security guards. While the federal authority to investigate color of law type violations extends to any official acting under "color of law", the vast majority of the allegations are against the law enforcement community. The average number of all federal civil rights cases initiated by the FBI from 1997 -2000 was 3513. Of those cases initiated, about 73% were allegations of color of law violations. Within the color of law allegations, about 82% were allegations of abuse of force with violence (59% of the total number of civil rights cases initiated). Investigative Areas Most of the FBI's color of law investigations would fall into five broad areas: 1. excessive force; 2. sexual assaults; 3. false arrest/fabrication of evidence; 4. deprivation of property; and 5. failure to keep from harm. In making arrests, maintaining order, and defending life, law enforcement officers are allowed to utilize whatever force is "reasonably" necessary. The breath and scope of the use of force is vast. The spectrum begins with the physical presence of the official through the utilization of deadly force. While some types of force used by law enforcement may be violent by their very nature, they may be considered "reasonable," based upon the circumstances. However, violations of federal law occur where it can be shown that the force used was willfully "unreasonable" or "excessive" against individuals. Sexual assaults by officials acting under "color of law" could happen in a variety of venues. They could occur in court scenarios, jails, and/or traffic stops to name just a few of the settings where an official might use their position of authority to coerce another individual into sexual compliance. The compliance is generally gained because of a threat of an official action against the other if they do not comply. The Fourth Amendment of the United States Constitution guarantees the right against unreasonable searches or seizures. A law enforcement official using his authority provided under the "color of law" is allowed to stop individuals and even if necessary to search them and retain their property under certain circumstances. It is in the abuse of that discretionary power that a violation of a person's civil rights might occur. An unlawful detention or an illegal confiscation of property would be examples of such an abuse of power. An official would violate the color of law statute by fabricating evidence against or conducting a false arrest of an individual. That person's rights of due process and unreasonable seizure have been violated. In the case of deprivation of property, the official would violate the color of law statute by unlawfully obtaining or maintaining the property of another. In that case, the official has overstepped or misapplied his authority. The Fourteenth Amendment secures the right to due process and the Eighth Amendment also prohibits the use of cruel and unusual punishment. In an arrest or detention context, these rights would prohibit the use of force amounting to punishment (summary judgment). The idea being that a person accused of a crime is to be allowed the opportunity to have a trial and not be subjected to punishment without having been afforded the opportunity of the legal process. The public

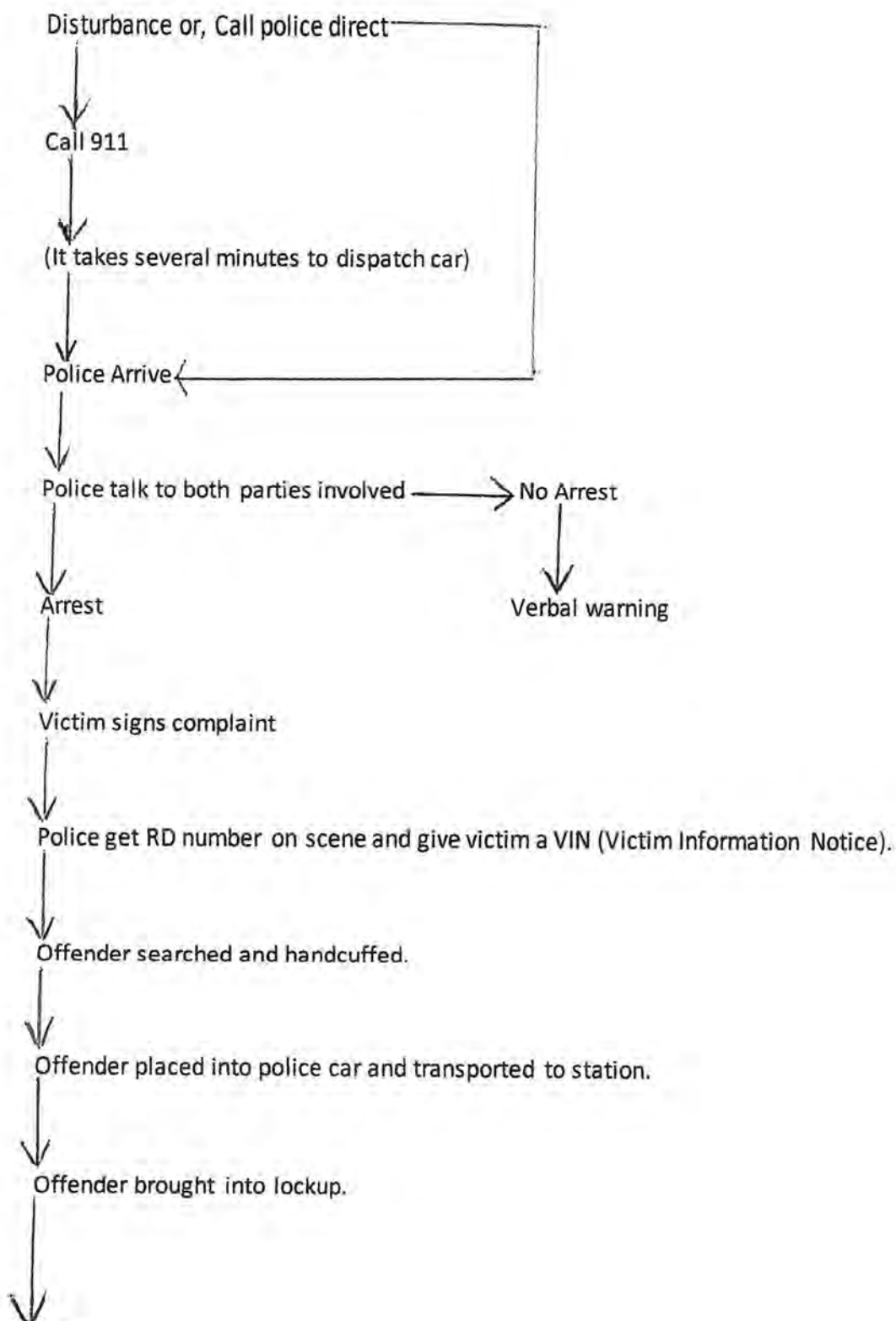


entrusts its law enforcement officials with protecting the community. If it is shown that an official willfully failed to keep an individual from harm that official could be in violation of the color of law statute. The Supreme Court has had to interpret the United States Constitution to construct law regulating the actions of those in the law enforcement community. Enforcement of these provisions does not require that any racial, religious, or other discriminatory motive existed. Title 42 Penalties For Government Officers The AUTHORITY FOR FINES (DAMAGES) CAUSED BY CRIMES BY GOVERNMENT OFFICERS. These Damages were determined by GOVERNMENT itself for the violation listed. Breach Penalty Authority VIOLATION OF OATH OF OFFICE \$250,000.00 18 USC 3571 DENIED PROPER WARRANT(S) \$250,000.00 18 USC 3571 DENIED RIGHT OF REASONABLE DEFENSE ARGUMENTS \$250,000.00 18 USC 3571 DEFENSE EVIDENCE (RECORDS) \$250,000.00 18 USC 3571 DENIED RIGHT TO TRUTH IN EVIDENCE \$250,000.00 18 USC 3571 SLAVERY (Forced Compliance to contracts not held) \$250,000.00 18 USC 3571 DENIED PROVISIONS IN THE CONSTITUTION \$250,000.00 18 USC 3571 TREASON (combined above actions). \$250,000.00 18 USC 3571 GENOCIDE \$1,000,000.00 18 USC 1091 MISPRISION OF FELONY \$500.00 18 USC 4 CONSPIRACY \$10,000.00 18 USC 241 EXTORTION \$5,000.00 18 USC 872 MAIL THREATS \$5,000.00 18 USC 876 FRAUD \$10,000.00 18 USC 1001 FALSIFICATION OF DOCUMENTS \$10,000.00 18 USC 1001 PERJURY \$2,000.00 18 USC 1621 SUBORNATION OF PERJURY \$2,000.00 18 USC 1622 GRAND THEFT (18 USC 2112) each \$250,000.00 To determine multiply no. of counts by damage 18 USC 3571 RACKETEERING (Criminal) \$25,000.00 18 USC 1963 RACKETEERING (Civil) Wages Taken  $\times 3 = 5?$  18 USC 1964 (Sustained Damages [total]  $\times 3$ ) Thirty-seven (37) Constitutional violations from Count 1: = \$9,250,000.00 Damages Dealing with claims of "immunity." Any claim of "immunity" is a fraud because, if valid, it would prevent removal from office for crimes against the people, which removal is authorized or even mandated under U.S. Constitution Article 2, Section IV; as well as 18 USC 241, 42 USC 1983, 1985, 1986, and other state Constitutions. Precedents of Law established by COURT cases, which are in violation of law, render violations of law legally unassailable. Such a situation violates several specifically stated intents and purposes of the Constitution set forth in the Preamble; to establish justice, insure domestic tranquility, and secure the blessings of liberty. This is for JUDGES, or anyone in any branch of government. SEVEN ELEMENTS OF JURISDICTION: 1. The accused must be properly identified, identified in such a fashion there is no room for mistaken identity. The individual must be singled out from all others; otherwise, anyone could be subject to arrest and trial without benefit of "wrong party" defense. Almost always, the means of identification is a person's proper name, BUT ANY MEANS OF IDENTIFICATION IS EQUALLY VALID IF SAID MEANS DIFFERENTIATES THE ACCUSED WITHOUT DOUBT. (There is no constitutionally valid requirement you must identify yourself, see 4th Amendment; also see, Brown vs. Texas, 443 US 47 and Kolender v. Lawson 461 US 352.) 2. The statute of offense must be identified by its proper or common name. A number is insufficient. Today, a citizen may stand in jeopardy of criminal sanctions for alleged violation of statutes, regulations, or even low-level bureaucratic orders (example: Colorado National Monument Superintendent's Orders regarding an unleashed dog or a dog defecating on a trail). If a number were to be deemed sufficient, government could bring new and different charges at any time by alleging clerical error. For any act to be triable as an offense, it must be declared to be a crime. Charges must negate any exception forming part of the statutory definition of an offense, by affirmative non-applicability. In other words, any charge must affirmatively negate any exception found in the law. 3. The acts of alleged offense must be described in non-prejudicial language and detail so as to enable a person of average intelligence to understand nature of charge (to enable preparation of defense); the actual act or



acts constituting the offense complained of. The charge must not be described by parroting the statute; not by the language of same. The naming of the acts of the offense describes a specific offense whereas the verbiage of a statute describes only a general class of offense. Facts must be stated. Conclusions cannot be considered in the determination of probable cause. 4. The accuser must be named. He/she may be an officer or a third party, but some positively identifiable person (human being) must accuse; some certain person must take responsibility for the making of the accusation, not an agency or an institution. This is the only valid means by which a citizen may begin to face his accuser. Also, the injured party (corpus delicti) must make the accusation. Hearsay evidence may not be provided. Anyone else testifying that they heard that another party was injured does not qualify as direct evidence. 5. The accusation must be made under penalty of perjury. If perjury cannot reach the accuser, there is no accusation. Otherwise, anyone may accuse another falsely without risk. 6. To comply with the five elements above, that is for the accusation to be valid, the accused must be accorded due process. Accuser must have complied with law, procedure and form in bringing the charge. This includes court-determined probable cause, summons and notice procedure. If lawful process may be abrogated in placing a citizen in jeopardy, then any means may be utilized to deprive a man of his freedom, and all dissent may be stifled by utilization of defective process. 7. The court must be one of competent jurisdiction. To have valid process, the tribunal must be a creature of its constitution, in accord with the law of its creation, i.e., Article III judge. Lacking any of the seven elements or portions thereof, (unless waived, intentionally or unintentionally) all designed to ensure against further prosecution (double jeopardy); it is the defendant's duty to inform the court of facts alleged for determination of sufficiency to support conviction, should one be obtained. Otherwise, there is no lawful notice, and charge must be dismissed for failure to state an offense. Without lawful notice, there is no personal jurisdiction and all proceedings prior to filing of a proper trial document in compliance with the seven elements is void. A lawful act is always legal but many legal acts by government are often unlawful. Most bureaucrats lack elementary knowledge and incentive to comply with the mandates of constitutional due process. They will make mistakes. Numbers beyond count have been convicted without benefit of governmental adherence to these seven elements. Today, informations are being filed and prosecuted by "accepted practice" rather than due process of law.

**FLOW CHART OF CHICAGO POLICE DEPARTMENT OFFENDER ARREST TO RELEASE**  
**PROCEDURAL STEPS**





↓  
Officers take personal property of value from offender (Bag #1) and non-value (Bag #2).

↓  
Police finish case incident report and complaint and fill out arrest report.

↓  
Inventories are done, if any, through (E-Track).

[Offender given his copy of inventory receipt while still in lock up. This and all property of value like personal cell phone, etc. This is a computerized printout of a E-Track inventory receipt.]

↓  
Desk sergeant approves case report and arrest report.

↓  
Watch commander approves arrest report.

↓  
Offender removed from lock up for picture taken, fingerprinted and receives personal property receipt (non-value items).

↓  
Offender in lock up waiting for fingerprints to clear.

↓  
Desk sergeant gives I-Bond, D-Bond or cash bond required or they go to court.

↓  
Offender signs bond and then signs (E-Track inventory items of value on a tablet/pad for E-Track) and given property from lock up in unsealed, Evidence-Property Envelope (Bag #1) and offender signs for personal property receipt (Items of non-value) and given items from lock up in a clear sealed bag (Bag #2).

↓  
Offender free to go and leave police station.

↓

NOTE: Personal property items of value that are put in the unsealed Evidence-Property Envelope (Bag #1) are then put in a holding cabinet or safe until the offender is released and given to them once they sign for it through the E-Track Inventory system.

NOTE: Regardless if the offender has their arrest expunged from their records, the E-Track Inventory system will still maintain those records.



		CONFIDENTIALITY Order signed by the Honorable Virginia M. Kendall on 1/11/2017. Mailed notice(lk, ) (Entered: 01/11/2017)
01/11/2017	<u>37</u>	QUALIFIED HIPAA and MHDDCA Protective Order signed by the Honorable Virginia M. Kendall on 1/11/2017. Mailed notice(lk, ) (Entered: 01/11/2017)
01/11/2017	<u>38</u>	EXHIBITS by Plaintiff David A Dewar. (aee, ) (Entered: 01/12/2017)
01/11/2017	<u>39</u>	AMENDED CIVIL Cover Sheet. (aee, ) (Entered: 01/12/2017)
01/24/2017	<u>40</u>	STATEMENT by David A Dewar (Exhibits). (aee, ) (Entered: 01/25/2017)
03/22/2017	<u>41</u>	MOTION by Defendants M.K. Devine, T.J. Felmon, C.J. Long for extension of time to complete discovery ( <i>first, agreed</i> ) (Bauer, Kelly) (Entered: 03/22/2017)
03/22/2017	<u>42</u>	NOTICE of Motion by Kelly C. Bauer for presentment of motion for extension of time to complete discovery <u>41</u> before Honorable Virginia M. Kendall on 3/27/2017 at 09:30 AM. (Bauer, Kelly) (Entered: 03/22/2017)
03/23/2017	<u>43</u>	MINUTE entry before the Honorable Virginia M. Kendall. Defendants' Unopposed Motion for extension of time to complete discovery <u>41</u> is granted. End of Fact Discovery ordered closed by 6/16/2017. End of Fact Discovery Status hearing reset for 6/19/2017 at 9:00 AM. Motion hearing set for 3/27/2017 is stricken. Mailed notice (lk, ) (Entered: 03/23/2017)
06/02/2017	<u>44</u>	MOTION by Plaintiff David A Dewar for extension of time for surgery (Exhibits) (nsf, ) (Entered: 06/02/2017)
06/02/2017	<u>45</u>	NOTICE of Motion by David A Dewar for presentment of extension of time <u>44</u> before Honorable Virginia M. Kendall on 6/7/2017 at 09:00 AM. (nsf, ) (Entered: 06/02/2017)
06/05/2017	<u>46</u>	MINUTE entry before the Honorable Virginia M. Kendall. Plaintiff's Motion for extension of time to complete Discovery <u>44</u> is granted. End of Fact Discovery ordered closed by 9/13/2017. End of Fact Discovery Status hearing reset for 9/18/2017 at 9:00 AM. Motion hearing set for 6/7/2017 is stricken. Mailed notice (lk, ) (Entered: 06/05/2017)
08/18/2017	<u>47</u>	MOTION by Plaintiff David A Dewar for extension of time for surgery. (ags, ) (Entered: 08/18/2017)
08/18/2017	<u>48</u>	NOTICE of Motion by David A Dewar for presentment of extension of time <u>47</u> before Honorable Virginia M. Kendall on 8/23/2017 at 09:00 AM (exhibit). (ags, ) (Entered: 08/18/2017)
08/18/2017	<u>49</u>	RETURN of Service of Subpoena returned Executed on 8/4/2017 as to Chicago Police Department, 3510 S. Michigan Ave., Chicago, IL 60653. (ph, ) (Entered: 08/21/2017)
08/18/2017	<u>50</u>	

8-11

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS

David Adewar )  
Plaintiff )

v. )

Defendant )

Felmon, Devine, Long  
& Co.

Case Number: 16-CV-2287

Judge: Virginia Kendall

Magistrate Judge:

Investigation of Chicago Police Department Findings  
of USDOJ Northern District of Illinois  
showing CPD patterns in policing that are negative.

RECEIVED

JAN 24 2017

THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

David A. Adewar

1/24/2017



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## Investigation of the Chicago Police Department

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United States Department of Justice  
Civil Rights Division  
and  
United States Attorney's Office  
Northern District of Illinois

January 13, 2017



(S) Summary - 8 pages S-1

February 7, 2018

Chicago Tribune

## CHICAGOLAND

## Law Department official resigns

Move comes after city's latest failure to turn over evidence

BY JASON MEISNER  
AND STACY ST. CLAIR  
Chicago Tribune

The head of the Chicago Law Department's civil rights litigation division lost her job last week after a federal judge excoriated the city's record of failing to turn over evidence in police misconduct cases, the Chicago Tribune has learned.

Liza Franklin, who oversaw a team of 60 attorneys and support staff handling mostly lawsuits against the police, resigned from her \$140,000-a-year position amid the fallout over accusations her office failed to turn over evidence in the August 2015 police shooting that wounded Jaquise Evans, several sources said.

Calls to Franklin's direct line at work on Tuesday went to a personalized voicemail message that said she was "no longer employed by the city of Chicago Department of Law" and referred callers to another city attorney for assistance.

A Law Department spokesman would not confirm Franklin's resignation, citing the city's policy to refrain from commenting on personnel matters.

Franklin's resignation was the highest-profile casualty yet in a string of troubles for the beleaguered Law Department. According to her online biography, Franklin was responsible for more than 400 "in-house" cases pending against police officers and monitored nearly another 100 other cases that were being handled by outside counsel.

The Tribune first reported Friday that Corporation Counsel Edward Siskel sent a memo to staff last week announcing that one Law Department attorney had resigned and two others were suspended over the withholding of evidence in a

recent lawsuit.

The two-page memo did not identify the attorneys involved or the case that led to the discipline, but Siskel explained that the attorneys' failure to meet professional standards breached the public trust.

"Any failure to meet those standards can quickly erode the trust the public places in us, and mistakes can have lasting, significant consequences that damage our collective reputation with judges, opposing counsel and taxpayers," Siskel wrote in the memo.

Also disciplined was Assistant Corporation Counsel Scott Cohen, who was suspended for 30 days without pay, and Assistant Corporation Counsel Bret Kabacinski, who received a five-day unpaid suspension, according to several sources familiar with the matter.

The move came a little over a week after all three attorneys were ripped in court by U.S. District Judge Rebecca Pallmeyer for their conduct in the Evans lawsuit.

Evans' lawyers had accused the city of failing to turn over crucial evidence in the case, including several citizen complaints against Sgt. Richard Salvador that were only disclosed in the eleventh hour as well as a Facebook video depicting Salvador threatening and verbally abusing a handcuffed suspect just weeks before the officer shot Evans.

Pallmeyer was already considering issuing sanctions for those issues when it was revealed that Salvador was named in another recent civil rights lawsuit, even though he had testified under oath that he wasn't involved in any other litigation. In fact, Salvador was represented in both cases by Cohen, who failed to notify Evans' attorneys about the suit.

In a court hearing Jan. 19, Franklin tried to explain that the mix-up was a simple oversight on Cohen's part, leading to a testy exchange with the judge.

"How can it be that (Salvador) didn't know he was being sued?" Pallmeyer



Franklin

asked. "Who dropped the ball?"

"I can make no representations for why he did not remember this incident or represented that, to his knowledge, he was not a defendant," Franklin responded. "But he had to

have been served personally because that is the procedure in the Police Department."

Pallmeyer shot back, "So now you're telling me that your client committed perjury?"

"I am not because I cannot say that he knowingly testified to a falsehood," Franklin said.

The judge also blasted the Law Department's record in other civil rights lawsuits in the Dirksen U.S. Courthouse. In case after case, judges have imposed monetary and other legal sanctions after the city was caught withholding documents or failing to meet its burden on discovery, the legal process that allows the two sides in a lawsuit to uncover relevant facts through the exchange of documents.

"I think it's time for someone to step up to how the city generally is handling the defense of these cases, how it's keeping records," Pallmeyer said. "Because the number of times there have been problems of one nature or another has just escalated, and this episode is as distressing as any."

Near the end of the hearing, Franklin promised Pallmeyer she would file a memo explaining how the Law Department would correct problems going forward. Nothing was ever filed, however, because the city agreed to settle the Evans lawsuit a week later, minutes before a hearing on possible sanctions was set to begin.

jmeisner@chicagotribune.com  
sstclair@chicagotribune.com



## \$20M settlement advances in Chicago cop's deadly DUI, despite concerns over liability for off-duty behavior



Chicago aldermen on Feb. 26, 2018, agreed to pay \$20 million to the families of two men who were killed when their car was hit by drunken off-duty Detective Joseph Frugoli. (Abel Uribe / Chicago Tribune)

By **John Byrne**  
Chicago Tribune

FEBRUARY 26, 2018, 4:40 PM

**A**ldermen sharply questioned a proposed \$20 million payment to the families of two men who were killed when their vehicle was struck by a drunken off-duty Chicago police detective, saying they worry the deal would leave the city liable for all manner of behavior by police in their free time.

The City Council Finance Committee eventually agreed to pay \$10 million to each family, after city lawyer Jenny Notz warned that the costs for taxpayers could be much higher if a jury ruled in the lawsuit. The two men died in 2009 when off-duty Detective Joseph Frugoli slammed into their car.

*Aldermen rarely push back against a recommended deal in a suit against the city, but they expressed concern about the precedent this one could set before eventually voting to send it to the full City Council.*

"This to me seems to open us up to any type of action that somebody says, 'Well, you all didn't discipline this person here because he did x,' and now all of the taxpayers are liable for his private actions," said Ald. Jason Ervin, 28th. "That's, I can't go for that. That's a huge leap you're asking us to take here."

But Finance Committee Chairman Ald. Ed Burke, 14th, pointed out Frugoli had gotten in two prior car crashes and had been suspended for an alcohol-fueled 1992 Bridgeport bar fight in which records showed he punched a man in the face and yelled, "Nobody messes with the Frugolis!"

[ Records of the fight only surfaced after Frugoli testified during the trial that he had been disciplined for it. Lawyers for the victims' families then asked U.S. District Judge Virginia Kendall to sanction the city for failing to comply with the routine exchange of evidence known as discovery. ]

Frugoli was convicted of aggravated DUI and leaving the scene of a fatal accident in the deaths of Andrew Cazares and Fausto Manzera, and is serving an eight-year sentence in state prison.

Also Monday, the Finance Committee approved a \$1.35 million settlement with the family of Michael Jansson, who was missing for 11 years before police discovered his body in 2012 inside a car at the bottom of the Chicago River near Goose Island, according to Notz.

Jansson drove away from a nearby bar in 2001, after getting thrown out of the establishment by bouncers for arguing with people inside. His family sued the city after his body was found, arguing Jansson drove into the river because warning signs on a nearby street weren't properly maintained, Notz said.

Aldermen also approved a contract for Annapolis, Md.-based Aeroterm to issue up to \$150 million in bonds for various expansion projects at O'Hare International Airport. The company would be using the city's credit to lower its interest on the bonds. The bonds would not be paid for using taxpayer money.

And they approved an ordinance to amend the leases of cargo facilities and hangars at O'Hare, a change Aviation Department officials said would increase the annual revenue from those leases from about \$4 million to about \$41 million. The additional money will be used to maintain the facilities and to help fund O'Hare expansion work.

{ Off Duty Detective  
Joseph Frugoli }

{ February 26, 2018  
Chicago Tribune by  
John Byrne }



*The committee also gave the go-ahead for landmark tax incentives for the old main post office building. The tax breaks for the historic building — one of the sites Mayor Rahm Emanuel has proposed as a location for the new Amazon headquarters Chicago is bidding for against other cities — would save developers about \$100 million in taxes over 12 years, according to city planning officials.*

All the items that passed the Finance Committee will be considered Wednesday by the full City Council.

*jebyrne@chicagotribune.com*

*Twitter @\_johnbyrne*

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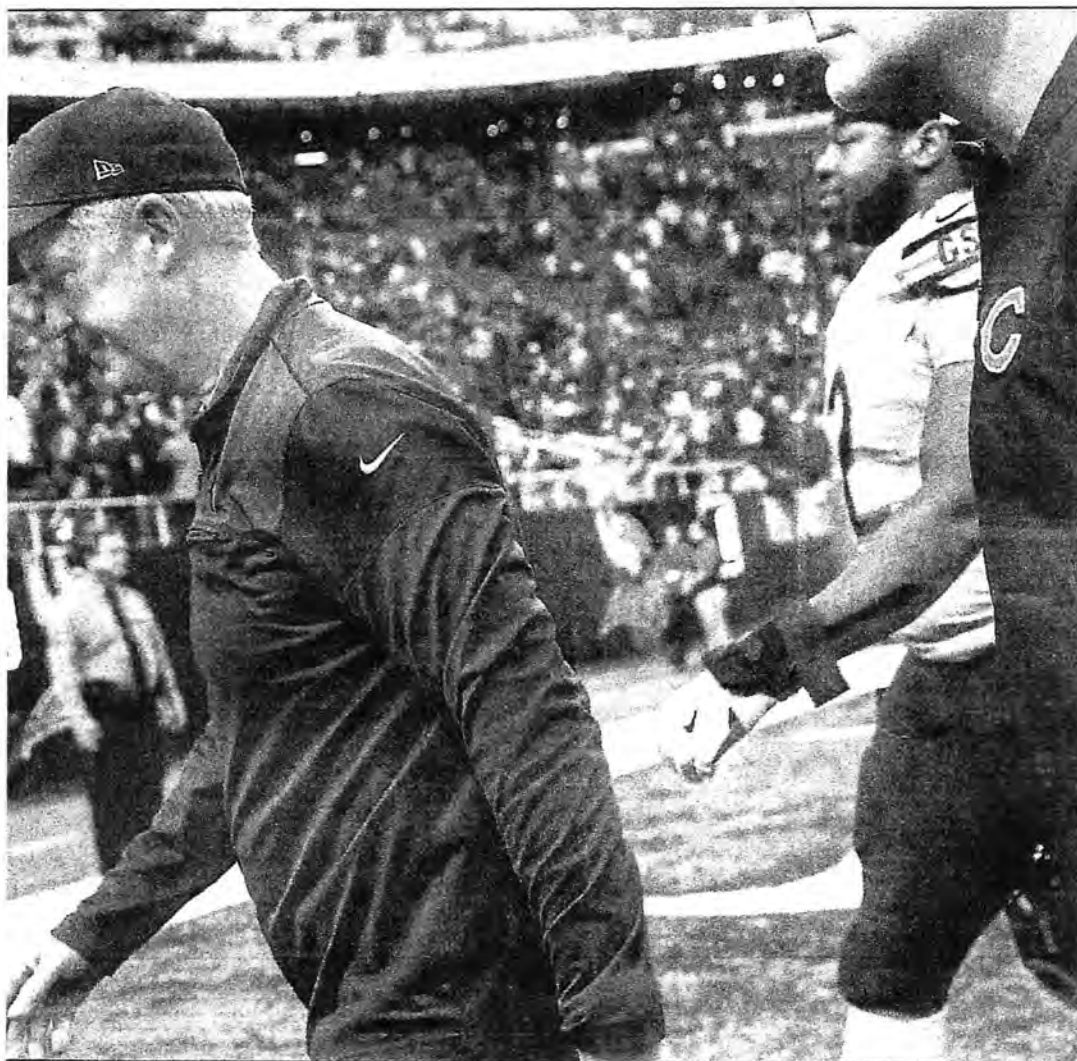
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# Chicago Tribune

CHICAGO TRIBUNE

MONDAY, JANUARY 2, 2017

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ay's season-ending loss that he "never worried about job security" and is "not going to start now."

## for more?

on, Fox likely to return as Bears coach

bosses that he would...

## FOIA lawsuits ran city \$670K

Clashes over open records law costing Chicago taxpayers

By GREGORY PRATT  
Chicago Tribune

The city of Chicago paid out more than \$670,000 last year to plaintiffs in lawsuits alleging that officials violated open records law — nearly five times what the city paid in the previous eight years combined.

Experts and attorneys said the mounting payouts in Freedom of Information Act cases raise concerns about Mayor Rahm Emanuel's pledge to run "the most open, accountable and transparent government that the city of Chicago has ever seen." They said the increase may be attributable to a broader awareness of the public's right to records spurred by high-profile cases such as the Laquan McDonald shooting.

The Emanuel administration, which still faces 54 lawsuits alleging open records violations, says it has added resources to provide public information more efficiently.

But critics, such as Torrey Hamilton, a former prosecutor who runs her own civil rights law firm and has sued the city alleging FOIA violations, ques-



## SON, FOX LIKELY TO RETURN AS BEARS COACH



**DAVID HAUGH**  
*In the Wake of the News*

Questions regarding his situation, a football Fox trot, if you will. Asked if he had requested or received assurance from his

bosses that he would return after the Bears' worst season since the NFL adopted a 16-game schedule in 1978, Fox was at his ambiguous best.

"You know, I really haven't," said Fox, 9-23 in two seasons. "I've been doing this a long time. I've never worried about job security. And I'm not going to start now."

But did the veteran of 15 seasons as an NFL head coach have a sense of what to expect

on what the league traditionally refers to as Black Monday? As many as five teams already were preparing coaching searches even before Week 17 started. And the only constant in NFL coaching is change, a reality reinforced by Bears Chairman George McCaskey presiding over four general manager-coach combinations since taking over in 2011.

*Turn to Haugh, Page 7*

tion the city's commitment.

"The taxpayers of the city of Chicago are paying for the city to break the law," Hamilton said.

Jeffrey M. Shaman, a DePaul University professor who teaches constitutional law and the First Amendment, said the city's spike in lawsuits and payments "makes one wonder if the city is willing to comply in good faith with the requirements of FOIA."

The \$670,122 total is spread out over 27 cases under FOIA, the state law giving the public access to government records, that were brought by taxpayers, advocacy groups and media organizations, including the Chicago Tribune. FOIA allows some plaintiffs who sue for records to recover money for lawyers' fees and costs.

In a Law Department statement, the city said it

*Turn to FOIA, Page 8*

## Gunman still at large after attack at nightclub

The assault in Turkey, which targeted a posh, sprawling venue popular with Istanbul's elite and left 39 dead, recalled similar attacks in Paris in 2015 and in Orlando in 2016. And like the previous attacks — with their tally of young victims, all of whom had been enjoying a night out — Saturday's carnage left Istanbul reeling from a similar sense of shock and grief.

*Nation & World, Page 9*

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NANCY STONE/CHICAGO TRIBUNE

Parts of Chicago's Lakefront Trail, such as at Oak Street Beach, are especially pinched.

## Tricky in spots: Creating separate bike, ped paths



**MARY WISNIEWSKI**  
*Getting Around*

Trail into pedestrian and bicycle paths, planned over the next two years, will raise its own design puzzles.

That's because parts of the lakefront — such as Oak Street Beach and Belmont Harbor — are more pinched than others.

Rahm Emanuel announced that the city had received a \$12 million donation from billionaire Ken Griffin to fund the lakefront separation project. Before the donation came in, the city had limited its immediate trail



# Open records lawsuits ran city \$

FOIA, from Page 1

"works diligently to comply with the Freedom of Information Act and responds to thousands of public information requests each year, with only a small percentage of requests disputed."

"However, there is always room for improvement, and during the past year, the city has dedicated additional resources and provided employees with additional training to ensure compliance and provide transparency to the public," the statement said. "It is not acceptable for any city department to ignore or unnecessarily delay a response to a request, nor is it acceptable for a department to improperly apply exemptions."

The city's statement reiterated Emanuel's transparency pledges and touted the administration's creation of a data portal and a written policy "that guarantees the public's timely access to video and audio recordings" from police-involved incidents.

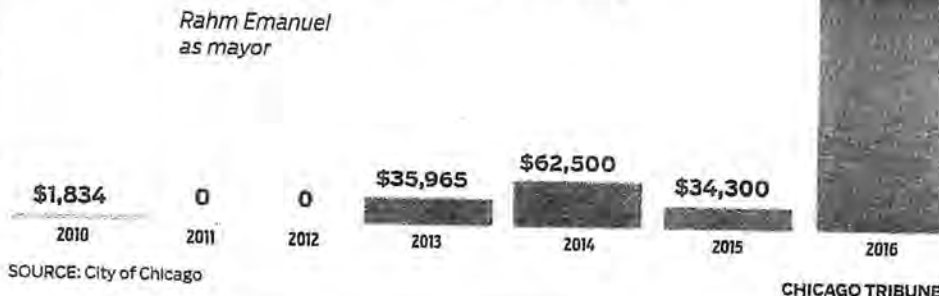
Asked how the city justifies the amount paid out over open records lawsuits, the Law Department said the most common reasons it's been sued are "claims of incomplete record searches and incorrectly applied exemptions."

"In these cases, the city works to resolve these cases by providing evidence that searches were reasonable and the exemptions were correctly applied, or by providing additional documents," the statement said. "However, the city has an obligation to defend these suits and ensure that the privacy protections afforded by the FOIA statute

## Chicago and FOIA lawsuits

The city has been repeatedly sued for allegedly violating the Illinois Freedom of Information Act. In the past year, the city has paid out more than half a million dollars in attorneys' fees and costs to plaintiffs.

### CITY PAYOUTS FOR SETTLEMENTS AND JUDGMENTS



are protected."

## Records disputes

Nineteen of the 27 cases with payouts in 2016 involve the Chicago Police Department. Others allege public information violations by the mayor's office, Animal Care and Control, the Office of Emergency Management and Communications, the Department of Finance, the Independent Police Review Authority and the Department of Innovation and Technology.

Some cases allege the city failed to answer FOIA requests at all, but the most costly lawsuits involved larger controversies.

The most expensive open records case in 2016 was journalist Brandon Smith's lawsuit against the city over video showing Laquan McDonald being shot 16 times by police Officer Jason Van Dyke.

Chicago officials fought to withhold the 2014 video, arguing it would interfere with investigations into the shooting. A judge ordered

its release, and the city paid \$97,500 in fees and costs, records show.

Emanuel recently acknowledged using personal email accounts to conduct official business and the city agreed to pay \$96,275 to settle a Better Government Association lawsuit over an FOIA request for Emanuel's email. The Tribune has a separate, ongoing FOIA lawsuit involving Emanuel's emails about public business conducted on personal devices.

Two other Tribune lawsuits against the city were resolved in the news organization's favor in 2016. One involved emails sent or received by former Chicago police Superintendent Garry McCarthy, in which the city paid \$46,000 in attorneys fees and costs. The other sought city communications related to SUPES Academy and its insider deal that led to former Chicago Public Schools chief Barbara Byrd-Bennett's wire fraud conviction. The city paid the Tribune \$95,000 in that records

case.

The Tribune sued the Chicago Police Department twice in December, alleging the city failed to provide records as required under FOIA.

"We are disappointed that we continually need to resort to litigation to get access to documents the law requires be made public as a matter of course," Karen Flax, the Tribune's vice president for legal, said in a statement. "The uptick in lawsuits reflects the city's disregard for the importance of the open records law and the fact that the city is understaffed in this area. It is pay now or pay later: If the city would produce the records to which the public is entitled in the first place, we would not need to file lawsuits and incur legal fees which the city then needs to cover."

This summer, a Cook County judge ordered the city to pay \$77,697 to the Animal Legal Defense Fund after the organization sued for records related to animal treatment by Animal

Care and Control. The suit stretched on for more than two years.

Anthony Eliseuso, attorney with Denton downtown law firm, also represents the fund. He said the animal fund did not want to sue because it couldn't work the dispute with city leaders.

"We felt this should have been resolved with a lawsuit," Eliseuso said. "That's ultimately what we sought fees."

Other FOIA lawsuits which the city paid settlements involved issues such as automatic license readers, missed court by police officers in case of Dante Servino, Chicago police officer fatally shot Rekia Boyd in 2012 but was acquitted, Cook County judge said prosecutors brought the wrong charge.

Even after the McDonald ruling, Hamilton said the city failed to release records from a case involving Heriberto Godinez's 2015 death in police custody. After the city denied a FOIA request, Hamilton sued on behalf of Godinez, Heriberto's sister. The city finally released the video in April and Hamilton's firm \$19,300 in fees and costs, records show.

Hamilton said the handling of that case "absolutely ridiculous beginning to end" and added there appears to be a disconnect between the mayor's statements about transparency and what happens day to day.

"I hope some of the statements the mayor is making come true, I haven't seen it yet," Hamilton said.

## Separate paths





January 2, 2017

# Records lawsuits ran city \$670K

## Records and FOIA lawsuits

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### OUTS FOR SETTLEMENTS AND JUDGMENTS

Rahm Emanuel  
as mayor



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## s disputes

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The city finally released the video in April and paid Hamilton's firm \$19,384 in fees and costs, records show.

Hamilton said the city's handling of that case was "absolutely ridiculous from beginning to end" and added there appears to be "a disconnect" between what the mayor says about transparency and what happens day to day.

"I hope some of the statements the mayor's making come true, but I haven't seen it yet," Hamilton said.

## 'A bit better'

In the eight years prior to 2016, the city paid out \$134,599 in seven cases.

Those disputed records included documents related to Ald. Edward Burke's security detail; a report by a consulting firm on police operations; police disciplinary records; and police equipment.

Most of those cases stemmed from disputes before Emanuel took office in May 2011. None of the ongoing 54 lawsuits were filed before 2013, and 36 were filed in 2016.

Matthew Topic, an attorney with civil rights firm Loevy & Loevy, has brought numerous records lawsuits against the city, including the Laquan McDonald video lawsuit and the recently settled Better Government Association suit over Emanuel's emails.

Topic said the city has shown improvement in its handling of records requests in the past year. The Police Department, in particular, has been "a bit better" about responding to FOIA requests, Topic said.

But Topic also said the city is "a long, long way from truly complying with the (law) on a regular basis."

Sarah Brune, executive director of the Illinois Campaign for Political Reform, said citizens have made it clear they're interested in more transparency from their government.

"Ideally, these cases would not be necessary because the city would be able to respond in a timely manner and provide the information that's requested," Brune said.

gpratt@chicagotribune.com  
Twitter @royalpratt

